

By Thursday

D-Note

1999 - 2000 LEGISLATURE

LRB-0822/1
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JUN

1999 BILL

you call

1 AN ACT ³ ~~to~~ **renumber** 457.01 (1); **to renumber and amend** 15.405 (7c) (a); **to**
2 **amend** 15.405 (7c) (c), 146.81 (1) (hg), 252.10 (7), 252.14 (1) (ar) 7., 450.10 (3)
3 (a) 10., 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02 (1) to (5), 457.03 (1)
4 to (3), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06 (intro.) and (1), 457.08
5 (title), 457.08 (4) (intro.), 457.08 (4) (b), 457.09 (title) and (1) (intro.) and (a),
6 457.09 (1) (d), 457.09 (2), 457.09 (3), 457.09 (4) (intro.), 457.09 (4m), 457.09 (5)
7 (a) and (b), 457.09 (5) (d), 457.10 (intro.), 457.10 (2) (a), 457.12 (intro.), 457.12
8 (2), 457.13 (title) and (1) (intro.) and (a), 457.13 (2), 457.14, 457.15 (title), 457.15
9 (1) (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1) and
10 (2), 457.20 (3) (c), 457.20 (4), 457.22, 457.25, 457.26 (2) (intro.), (a) and (b),
11 457.26 (2) (e), 457.26 (2) (g), 905.04 (1) (bm) and 905.04 (1) (dm); **to repeal and**
12 **recreate** 457.01 (8m); and **to create** 457.01 (1f), 457.01 (1p), 457.01 (2d),
13 457.01 (2h), 457.01 (2t), 457.01 (2w) and 457.02 (6) of the statutes; **relating to:**

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1 ~~the~~ ^{ing} regulation of ~~independent~~ ^{and granting rule-making} clinical social workers, marriage and family
2 therapists, and professional counselors. ^{authority}

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Analysis by the Legislative Reference Bureau

the examining board grants

Under current law, the use of titles related to social work, marriage and family therapy and professional counseling is restricted to persons who satisfy certain eligibility requirements and who are granted a certificate by the examining board of social workers, marriage and family therapists and professional counselors (examining board). With respect to social work, ~~there are~~ certificates for the following titles: "social worker", "advanced practice social worker", "independent social worker", and "independent clinical social worker". The examining board is required to promulgate rules that specify the services that a person who is granted one of the social work certificates is qualified to perform. Current law does not prohibit a person who has not been granted a certificate from practicing social work, marriage and family therapy or professional counseling.

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This bill transforms the certification requirements under current law for independent clinical social workers, marriage and family therapists and professional counselors into licensing requirements, and prohibits, with certain exceptions, a person from practicing ~~independent~~ clinical social work, marriage and family therapy or professional counseling unless he or she is licensed. The eligibility requirements for ~~an independent~~ clinical social worker, marriage and family therapist or professional counselor license under the bill are the same as the requirements for a certificate under current law, ~~except that the bill specifies that an applicant must complete at least 60 hours of academic credit in a master's or doctorate degree program. Current law requires a master's or doctorate degree, but does not specify a minimum number of credit hours.~~

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~~The bill does not change the requirements under current law for a social worker, advanced practice social worker or independent social worker certificate, except that an advanced practice and independent social worker may not practice psychotherapy under the bill. Under current law, the social worker section of the examining board is allowed to promulgate rules that allow certain advanced practice and independent social workers to practice psychotherapy. The definition of "psychotherapy" under the bill is the same as under current law, except that the bill specifies that psychotherapy includes conducting certain specified interviews and tests.~~

Under current law, no social worker, marriage and family therapist or professional counselor certificate is required for a person to use any of the following titles: "pastoral counselor", "investment counselor", "vocational counselor", "career counselor", "alcohol and drug counselor" or "chemical dependency counselor". This bill does not require a person to be licensed to use such a title or to engage in such counseling. Under current law, no certificate is required for a person who has been granted a school social worker or school counselor license by the department of public instruction to use the title "school social worker" or "school counselor". This bill does not require such a person to be licensed to use such a title. The bill's licensing

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requirements also do not apply to a person who is: 1) lawfully practicing within the scope of a license, permit, registration or certification granted by this state or the federal government; or 2) licensed to practice ~~independent~~ clinical social work, marriage and family therapy or professional counseling in another state or territory of the United States and who provides a consultation or demonstration with a person who has been granted a license.

The bill changes the name of the social worker and professional counselor training "certificates" that may be issued under current law to training "permits", but does not make any other changes regarding these certificates under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)

2 and amended to read:

3 15.405 (7c) (a) (intro.) There is created an examining board of social workers,
4 marriage and family therapists and professional counselors in the department of
5 regulation and licensing. ~~The consisting of the following members of the examining~~
6 ~~board shall be appointed for 4-year terms:~~

7 1. Four members shall be ~~who are~~ certified under ch. 457 as social workers.

8 2. Three members shall be ~~certified~~ who are licensed under ch. 457 as marriage
9 and family therapists.

10 3. Three members shall be ~~certified~~ who are licensed under ch. 457 as
11 professional counselors.

12 4. Three public members shall be ~~public members~~. Of the 4 certified social
13 worker,

14 (am) The 4 members, one appointed under par. (a) 1. shall be certified consist
15 of the following:

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1 1. One member who is certified under ch. 457 as an advanced practice social
2 worker, ~~one shall be certified.~~

3 2. One member who is certified under ch. 457 as an independent social worker,
4 one shall be certified.

5 3. One member who is licensed under ch. 457 as an independent clinical social
6 worker and at.

7 4. At least one shall be member who is employed as a social worker by a federal,
8 state or local governmental agency.

9 **SECTION 2.** 15.405 (7c) (c) of the statutes is amended to read:

10 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
11 suspending or revoking a ~~certificate~~ credential under ch. 457, and all other matters
12 of interest to either the social worker, marriage and family therapist or professional
13 counselor section, shall be acted upon solely by the interested section of the
14 examining board.

15 **SECTION 3.** 146.81 (1) (hg) of the statutes is amended to read:

16 146.81 (1) (hg) A social worker, marriage and family therapist or professional
17 counselor. certified or licensed under ch. 457.

18 **SECTION 4.** 252.10 (7) of the statutes is amended to read:

19 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
20 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
21 and dispensed to patients through the public health dispensaries or through health
22 care providers, as defined in s. 146.81 (1), other than massage therapists or
23 bodyworkers issued a license of registration under subch. x of ch. 440, social workers,
-24 marriage and family therapists or professional counselors certified or licensed under
25 ch. 457, speech-language pathologists or audiologists licensed under subch. II of ch.

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1 459, speech and language pathologists licensed by the department of public
2 instruction or dietitians certified under subch. V of ch. 448.

3 **SECTION 5.** 252.14 (1) (ar) 7. of the statutes is amended to read:

4 252.14 (1) (ar) 7. A social worker, marriage and family therapist or professional
5 counselor certified or licensed under ch. 457.

6 **SECTION 6.** 450.10 (3) (a) 10. of the statutes is amended to read:

7 450.10 (3) (a) 10. A social worker, marriage and family therapist or professional
8 counselor certified or licensed under ch. 457.

9 **SECTION 7.** 457.01 (1) of the statutes is renumbered 457.01 (1m).

10 **SECTION 8.** 457.01 (1) of the statutes is created to read:

11 457.01 (1) "Advanced practice social worker" means an individual who holds
12 an advanced practice social worker certificate granted by the ~~department~~ ^{certification} section.

13 **SECTION 9.** 457.01 (1) of the statutes is created to read:

14 457.01 (1) "Credential" means a license, -certificate or permit granted under
15 this chapter.

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16 **SECTION 10.** 457.01 (2) of the statutes is created to read:

17 457.01 (2) "Independent clinical social work" means providing services
18 without supervision for the diagnosis, treatment and prevention of mental and
19 emotional disorders in individuals, families and groups, to restore, maintain and
20 enhance social functioning through treatment interventions that include
21 psychosocial evaluation, counseling of individuals, families or groups, referral to
22 community resources, advocacy, facilitation of organizational change to meet social
23 needs and individual, marital or group psychotherapy.

24 **SECTION 11.** 457.01 (2h) of the statutes is created to read:

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1 457.01 (2h) "~~Independent~~ clinical social worker" means an individual who
2 holds a license to practice ~~independent~~ clinical social work granted by the ~~social~~
3 ~~worker~~ license section. *15*

4 SECTION 12. 457.01 (2c) of the statutes is created to read:

5 457.01 (2t) "Independent social worker" means an individual who holds an certification
6 independent social worker certificate granted by the ~~social worker~~ section. *now*

7 SECTION 13. 457.01 (2v) of the statutes is created to read:

8 457.01 (2w) "Licensee" means a person who is licensed under this chapter.

9 SECTION 14. 457.01 (3) of the statutes is amended to read:

10 457.01 (3) "Marriage and family therapist" means an individual who practices
11 holds a license to practice marriage and family therapy granted by the ~~marriage and~~
12 family therapist section. license *INSERT 8 6-8*

13 SECTION 15. 457.01 (7) of the statutes is amended to read:

14 457.01 (7) "Professional counselor" means an individual who practices holds
15 a license to practice professional counseling granted by the ~~professional counselor~~
16 section. license *INSERT 6-17*

17 SECTION 16. 457.01 (8m) of the statutes is repealed and recreated to read:

18 457.01 (8m) "Psychotherapy" means the use of learning, conditioning methods
19 and emotional reactions in a professional relationship to assist persons to modify
20 feelings, attitudes and behaviors that are intellectually, socially or emotionally
21 maladjustive or ineffectual, and includes interviewing and administering tests
22 regarding mental abilities, attitudes, aptitudes, interests, personality
23 characteristics, emotions and motivations and analyzing the results of such
24 interviews and tests.

25 SECTION 17. 457.01 (9) of the statutes is amended to read:

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1 457.01 (9) "Social work" means applying psychosocial- or
 2 counseling principles, methods or procedures in the assessment, evaluation, or
 3 psychosocial or psychotherapeutic diagnosis, prevention, treatment or resolution of
 4 a difficulty in the social, psychological, personal, emotional or mental disorder
 5 functioning of an individual, couple, family, group of individuals or community,
 6 including the enhancement or restoration of, or the creation of societal conditions
 7 favorable to the enhancement or restoration of, the capacity of an individual, couple,
 8 family, group of individuals or community for social functioning or the delivery of
 9 services to a group of individuals or a community to assist the group or community
 10 in providing or improving the provision of social or health services to others.

11 **SECTION 18.** 457.01 (10) of the statutes is amended to read:

12 457.01 (10) "Social worker" means an individual who practices holds a social
 13 work worker certificate granted by the social worker section. *Amended certification*

14 **SECTION 19.** 457.02 (1) to (5) of the statutes are amended to read:

15 457.02 (1) Require any individual to be certified or licensed under this chapter
 16 in order to use the title "pastoral counselor", "investment counselor", "vocational
 17 counselor", "career counselor", "alcohol and drug counselor", ^{State} "chemical dependency
 18 counselor" or to engage in such counseling. *or "employee assistance counselor"* if the individual does not use any other
 19 title or designation that represents or may tend to represent that he or she is certified
 20 or licensed under this chapter, and does not represent himself or herself as an
 21 individual who engages in social work, advanced practice social work, independent
 22 social work, independent clinical social work, marriage and family therapy or
 23 professional counseling.

24 (2) Require any individual who is licensed as a school social worker or school
 25 counselor by the department of public instruction to be certified or licensed as a social

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1 ~~worker or professional counselor~~ ^{or licensed} under this chapter in order to use the title "school
2 social worker" or "school counselor".

3 (3) Require a person who is licensed as a psychologist under ch. 455 or who is
4 a psychiatrist, as defined in s. 146.34 (1) (h), to be certified ~~licensed~~ ^{licensed} as a marriage
5 ~~and family therapist or professional counselor~~ under this chapter in order to use the
6 title "marriage and family therapist", "marriage and family counselor" or
7 "professional counselor" if the psychologist or psychiatrist does not use the term
8 "licensed", "certified" or "registered" or any similar term in connection with the title
9 "marriage and family therapist", "marriage and family counselor" or "professional
10 counselor".

11 (4) Authorize any individual who is certified ~~licensed~~ ^{or licensed} as a social worker or
12 ~~professional counselor~~ under this chapter to use the title "school social worker" or
13 "school counselor" unless the individual is licensed as a school social worker or school
14 counselor by the department of public instruction.

15 (5) Authorize any individual who is certified or licensed under this chapter to
16 use the title "alcohol and drug counselor" or "chemical dependency counselor" unless
17 the individual is certified as an alcohol and drug counselor or as a chemical
18 dependency counselor through a process recognized by the department of health and
19 family services.

SECTION 20. 457.02 (6) of the statutes is created to read:

21 457.02 (6) Require a credential for a person to do any of the following:

22 (a) Lawfully practice within the scope of a license, permit, registration or
23 certificate granted by this state or the federal government.

24 (b) Provide a consultation or demonstration with ~~a marriage and family~~ ^{an individual licensed under this}
25 ~~therapist, professional counselor or independent clinical social worker~~ ^{chapter} if the person

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1 providing the consultation or demonstration is licensed to practice marriage and
2 family therapy, professional counseling or ~~independent~~ clinical social work in
3 another state or territory of the United States.

4 **SECTION 21.** 457.03 (1) ~~457.03~~ of the stat&es ^{is} amended to read:

5 457.03 (1) ~~Upon the advice of the social worker section, marriage and family~~
6 ~~therapist section and professional counselor section, promulgate~~ ^{Promulgate} rules establishing
7 minimum standards for educational programs that must be completed for
8 certification or licensure under this chapter and for supervised clinical training that
9 must be completed for certification as an independent clinical social worker,
10 marriage and family therapist or professional counselor under this chapter and
11 approve educational programs and supervised clinical training programs in
12 accordance with those standards.

13 ~~Upon the advice of the social worker section, marriage and family therapist~~
14 ~~section and professional counselor section, promulgate~~ ^{Promulgate} rules establishing a code of
15 ethics to govern the professional conduct of certificate credential holders. The rules
16 shall specify the services included within the practice of social work, advanced
17 practice social work ^{or} independent social work ~~independent clinical social work~~

18 that an individual who is certified ~~or licensed~~ under this chapter as a social worker,
19 advanced practice social worker ^{or} independent social worker ~~or independent clinical~~
20 ~~social worker~~ is qualified to ^{State} ~~may~~ perform and the degree of supervision, if any,

21 required to perform those services. The rules may not permit a certificate credential
22 holder to engage in psychotherapy unless ^{State} the individual is certified ^{INSERT 9-02} licensed under
23 this chapter as ^a ~~an~~ advanced practice social worker, independent social worker,
24 independent clinical social worker, marriage and family therapist or professional
25 counselor and has engaged in the equivalent of at least 2 years of full time

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1 supervised social work, marriage and family therapy or professional counseling
2 clinical practice after receiving the master's or doctorate degree required under s.
3 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).

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4 Upon the advice of the social worker section, promulgate rules establishing
5 levels of advanced social work practice, in addition to the levels of practice for which
6 certificates are granted under s. 457.08 (2) to (4) and (3), and establishing
7 appropriate educational, training, experience, examination and continuing
8 education requirements for certification and renewal of a certificate at each level of
9 practice established in rules promulgated under this subsection.

SECTION 22. 457.04 (1) to (4) of the statutes are amended to read:

11 457.04 (1) Use Designate himself or herself as a social worker or use or assume
12 the title "social worker" or any other title or designation that renresents or may tend
13 to renresent the person as a social worker unless the person is certified as a social
14 worker under this chapter.

15 (2) Use Designate himself or herself as an advanced practice social worker or
16 use or assume the title "advanced practice social worker" or any other title or
17 designation that represents or may tend to represent the person as an advanced
18 practice social worker unless the person is certified or licensed as an advanced
19 practice social worker, independent social worker or independent clinical social
20 worker under this chapter.

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21 (3) Use Designate himself or herself as an indenendent social worker or use or
22 assume the title "independent social worker" or any other title or designation that
23 represents or may tend to represent the person as an independent social worker
24 unless the person is certified or licensed as an independent social worker or
25 independent clinical social worker under this chapter.

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(4) Use ~~Practice independent~~ ^a clinical social work or designate himself or herself as ~~an independent~~ clinical social worker or use or assume the title "independent clinical social worker" or "clinical social worker" or any other title or designation that represents or may tend to represent the person as ~~an independent~~ ^a clinical social worker unless the person is certified licensed as an independent clinical social worker under this chapter.

SECTION 23. 457.04 (5) of the statutes is amended to read:

457.04 (5) Use ~~Practice marriage and family therapy~~ or designate himself or herself as a ~~marriage and family therapist~~ or use or assume the title "marriage and family therapist", "marriage and family counselor" or any similar other title or designation that represents or may tend to represent the person as a marriage and family therapist unless any of the following applies:

(a) The person is certified licensed as a marriage and family therapist under this chapter.

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(b) The person is certified licensed as ~~an independent~~ ^a clinical social worker under this chapter and initially became certified as an independent [✓] clinical social worker under ~~this chapter~~ [✓] ch. 457. 1997 stats., on or before May 31, 1995.

SECTION 24. 457.04 (6) of the statutes is amended to read:

457.04 (6) Use ~~Practice professional counseling~~ or designate himself or herself as a ~~professional counselor~~ or use or assume the title "professional counselor", "professional rehabilitation counselor", "vocational rehabilitation counselor" or "rehabilitation counselor" or any similar other title or designation that represents or may tend to represent the person as a ~~professional counselor~~ unless the person is certified licensed as a professional counselor under this chapter.

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SECTION 25. 457.06 (intro.) and (1) of the statutes are amended to read:

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1 **457.06 General requirements for certification or licensure.** (intro.) The
 2 ~~social worker section, marriage and family therapist section or professional~~
 3 ~~counselor section may not grant any certificate or license~~ under this chapter unless
 4 the applicant does all of the following:

5 (1) Submits an application for the certificate or license to the department on
 6 a form provided by the department.

7 **SECTION 26.** 457.08 (title) of the statutes is amended to read:

8 457.08 (title) **Social worker certificate and advanced practice**
 9 **certificates and licenses.**

10 **SECTION 27.** 457.08 (4) (intro.) of the statutes is amended to read:

11 457.08 (4) ~~INDEPENDENT CLINICAL SOCIALWORKER CERTIFICATE~~ licensure LICENSE. (intro.)

12 The ~~social worker~~ section shall grant an independent ^a clinical social worker
 13 certificate license to any individual who is ~~certified~~ ^{plans} under sub. (1) and does
 14 all of the following:

15 **SECTION 28.** 457.08 (4) (b) of the statutes is amended to read:

16 457.08 (4) (b) Submits evidence satisfactory to the ~~social worker~~ ^I section that
 17 he or she has received a master's degree in social work from a program accredited by,
 18 or a preaccreditation program of, the council on social work education or a doctorate
 19 degree in social work and, as part of the master's or doctorate degree program,
 20 ~~completed at least 60 hours of academic credit~~ had a clinical social work
 21 concentration and completed supervised clinical field training.

22 **SECTION 29.** 457.09 (title) and (1) (intro.) and (a) of the statutes are amended
 23 to read:

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1 457.08 (4) (c) (intro.) Submits evidence satisfactory to the ~~social worker~~
2 licensure section that after receiving a master's or doctorate degree in social work he
3 or she has engaged in the equivalent of at least 2 years of full-time ~~supervised~~
4 clinical social work practice ~~approved by the social worker section.~~ supervised by one
5 of the following:

History: 1991 a 160; 1995 a 27.

6 **SECTION 31.** 457.08 (4) (c) 1., 2. and 3. of the statutes are created to read:

7 457.08 (4) (c) 1. An individual licensed as a clinic's social worker who has
8 received a doctorate degree in social work.

9 2. An individual licensed as a clinical social worker who has engaged in the
10 equivalent of 5 years of full-time clinical social work.

11 3. An individual licensed as a clinical social worker who satisfies educational
12 or practice requirements that are comparable to the requirements under subd. 1. or
13 2. and that are established in rules promulgated under s. 457.03 (5).

14 **SECTION 32.** 457.08 (4) (d) of the statutes is amended to read:

15 457.08 (4) (d) Passes an examination approved by the ~~social worker~~ licensure
16 section to determine minimum competence to practice as ~~an independent~~ a clinical
17 social worker as specified in the rules promulgated under s. 457.03 (2) or passes ~~an~~
18 advanced a clinical social work examination approved by the ~~social worker~~ licensure
19 section.

History: 1991 a. 160; 1995 a 27

20 **INSERT 13-5:**

21 **SECTION 33.** 457.09 (1) (c) of the statutes is amended to read:

22 457.09 **(1)** (c) Submits evidence satisfactory to the ~~social worker~~ certification
23 section that he or she has a bachelor's degree from an accredited college or university



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1 **457.09** (title) **Social worker training certificate permit.** (1) (intro.) The
 2 ~~social worker~~^{certification} section shall grant a social worker training certificate permit to any
 3 individual who does all of the following:

4 (a) Submits an application for the certificate permit to the department on a
 5 form provided by the department.

6 **SECTION 30.** 457.09 (1) (d) of the statutes is amended to read:

7 457.09 (1) (d) Submits a statement to the ~~social worker~~^{certification} section that he or she
 8 is seeking to attain social worker degree equivalency under sub. (4) while he or she
 9 holds a social worker training certificate permit.

10 **SECTION 31.** 457.09 (2) of the statutes is amended to read:

11 457.09 (2) (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training
 12 ~~certificate permit~~ authorizes the holder to use the title specified in s. 457.04 (1)
 13 during the period in which the ~~certificate permit~~ is valid.

14 (b) A social worker training ~~certificate permit~~ holder is a social worker certified
 15 under this chapter for purposes of any law governing social workers certified-under
 16 this chapter.

17 **SECTION 32.** 457.09 (3) of the statutes is amended to read:

18 457.09 (3) (a) Except as provided in par. (b), a social worker training ~~certificate~~
 19 permit is valid for 24 months.

20 (b) A social worker training ~~certificate permit~~ shall expire on the date on which
 21 the ~~certificate permit~~ holder receives the results of the examination that he or she
 22 has taken under sub. (5) (a) if that date occurs before the end of the period specified
 23 in par. (a).

24 (c) A social worker training ~~certificate permit~~ may not be renewed.

25 **SECTION 33.** 457.09 (4) (intro.) of the statutes is amended to read:

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1 457.09 (4) (intro.) During the period in which a social worker training
2 ~~certificate~~ permit is valid, the ~~certificate~~ permit holder shall do all of the following:

3 **SECTION 34.** 457.09 (4m) of the statutes is amended to read:

4 457.09 (4m) (a) The ~~social worker~~ ^{certification} section shall determine whether a course,
5 internship or employment satisfies the requirements under sub. (4) and whether a
6 social worker training ~~certificate~~ permit holder has attained social worker degree
7 equivalency.

8 (b) Notwiths~~and~~ ^{standing} sub. (4), for the purpose of determining whether a social
9 worker training ~~certificate~~ permit holder has attained social worker degree
10 equivalency under sub. (4), the section shall apply course work or internships that
11 the ~~certificate~~ permit holder completed, or employment that the ~~certificate~~ permit
12 holder held, as part of the program leading to the degree that he or she specified to
13 satisfy the requirement in sub. (1) (c) if the course work, internship or employment
14 satisfies the requirements in sub. (4).

15 **SECTION 35.** 457.09 (5) ~~and (6)~~ ^{and (b)} of the statutes ~~are~~ ^{is} amended to read:

16 457.09 (5) (a) A social worker training ~~certificate~~ permit holder may take the
17 national social work examination at any time after he or she completes the
18 requirements under sub. (4). INSERT 14-21

19 (b) If a social worker training ~~certificate~~ permit holder passes the examination
20 specified under par. (a), he or she shall be permitted to take an examination approved
21 by the ~~social worker~~ ^{certification} section that tests knowledge of state law relating to social work.

22 ~~SECTION 36.~~ 457.09 (5) (d) of the statutes is amended to read:

23 ~~457.09 (5)~~ (d) The ~~social worker~~ ^{certification} section shall grant a social worker certificate
24 to an individual who has held a social worker training ~~certificate~~ permit and who
25 passes the examinations specified under pars. (a) and (b).

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(INSECT 15-5)

1 SECTION 37. 457.10 (intro.) of the statutes is amended to read:

2 **457.10 Marriage and family therapist certificate license.** (intro.) The
3 ~~marriage and family therapist~~ ^{LICENSE} section shall grant a marriage and family therapist
4 certificate license to any individual who does all of the following:

5 ~~SECTION 38. 457.10 (2) (a) of the statutes is amended to read.~~

6 ~~457.10 (2) (a) Received a master's or doctorate degree in marriage and family~~
7 ~~therapy from a program accredited by the commission on accreditation for marriage~~
8 ~~and family therapy education and, as part of the master's or doctorate degree~~
9 ~~program, completed at least 60 hours of academic credit.~~

10 SECTION 39. 457.12 (intro.) of the statutes is amended to read:

11 **457.12 Professional counselor certificate license.** (intro.) The
12 ~~professional counselor~~ ^{LICENSE} section shall grant a professional counselor certificate license
13 to any individual who does all of the following:

14 SECTION 40. 457.12 (2) of the statutes is amended to read:

15 457.12 (2) Submits evidence satisfactory to the ~~professional counselor~~ ^{LICENSE} section
16 that he or she has received a master's or doctorate degree in professional counseling
17 or its equivalent from a program approved by the ~~professional counselor~~ ^{LICENSE} section and
18 ~~as part of the master's or doctorate degree program, completed at least 60 hours of~~
19 ~~academic credit.~~

(INSECT 15-19)

20 SECTION 41. 457.13 (title) and (1) (intro.) and (a) of the statutes are amended
21 to read:

22 **457.13 (title) Professional counselor training certificate permit. (1)**
23 (intro.) The ~~professional counselor~~ ^{LICENSE} section shall grant a professional counselor
24 training certificate permit to any individual who does all of the following:

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1 (a) Submits an application for the ~~certificate~~ permit to the department on a
2 form provided by the department.

3 **SECTION 42.** 457.13 (2) of the statutes is amended to read:

4 457.13 (2) A professional counselor training ~~certificate~~ permit is valid for 24
5 months or until the date on which the holder of the ~~certificate~~ permit ceases to be
6 employed in a position specified in sub. (1) (d), whichever occurs first, and may not
7 be renewed by the ~~professional counselor~~ ^{*license*} section. A Notwithstanding s. 457.04 (6),
8 a professional counselor training certificate permit authorizes the holder to use any
9 title specified in s. 457.04 (6) and to practice professional counseling within the scope
10 of his or her training or supervision during the period in which the ~~certificate~~ permit
11 is valid.

and

12 **SECTION 43.** 457.14 of the statutes is amended to read:

13 **457.14 Temporary certificates** ^{*licenses*} ~~licenses~~. Upon application and payment of
14 the fee specified in s. 440.05 (6), the appropriate section of the examining board may
15 grant a temporary social worker, advanced practice social worker, independent social
16 worker, ~~independent~~ clinical social worker, marriage and family therapist or
17 professional counselor certificate or license to any individual who satisfies the
18 requirements under s. 457.08 (1) (a) and (b), (2) (a) and (b), (3) (a) to (c) or (4) (a) to
19 (c), 457.10 (1) to (3) or 457.12 (1) to (3) and has submitted an application to take the
20 next available examination for certification or licensure under s. 457.08 (1) (c), (2) (c),
21 (3) (d) or (4) (d), 457.10 (4) or 457.12 (4). A temporary certificate or license granted
22 under this section is valid for a period designated by the appropriate section of the
23 examining board, not to exceed 9 months, and may be renewed once by that section
24 of the examining board.

25 **SECTION 44.** 457.15 (title) of the statutes is amended to read:

BILL

INSERT 17-1

1 **457.15 (title) Reciprocal certificates and licenses.**

2 ~~SECTION 45. 457.15 (1) (d) of the statutes is amended to read:~~

3 ~~457.15 (1) (d) Grant an independent clinical social worker certificate license~~
4 ~~to any individual who is certified under par. (a) or under s. 457.08 (1) and who holds~~
5 ~~a similar certificate license in another state or territory of the United States if the~~
6 ~~social worker section determines that the requirements for obtaining the certificate~~
7 ~~license in the other state or territory are substantially equivalent to the~~
8 ~~requirements under s. 457.08 (4).~~

9 ~~SECTION 46. 457.15 (2) of the statutes is amended to read:~~

10 ~~457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2),~~
11 ~~the marriage and family therapist section shall grant a marriage and family~~
12 ~~therapist certificate license to any individual who holds a similar certificate license~~
13 ~~in another state or territory of the United States if the marriage and family therapist~~
14 ~~section determines that the requirements for obtaining the certificate license in the~~
15 ~~other state or territory are substantially equivalent to the requirements under s.~~
16 ~~457.10.~~

17 ~~SECTION 47. 457.15 (3) of the statutes is amended to read:~~

18 ~~457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),~~
19 ~~the professional counselor section shall grant a professional counselor certificate~~
20 ~~license to any individual who holds a similar certificate license in another state or~~
21 ~~territory of the United States if the professional counselor section determines that~~
22 ~~the requirements for obtaining the certificate license in the other state or territory~~
23 ~~are substantially equivalent to the requirements under s. 457.12.~~

24 **SECTION 48. 457.16 (1) of the statutes is amended to read:**

BILL

SECTION 48

1 457.16 (1) The appropriate section of the examining board shall arrange for
2 examinations for social worker, advanced practice social worker, independent social
3 worker, ~~independent~~ clinical social worker, marriage and family therapist and
c 7 4 professional counselor certification and licensure to be conducted at least
5 semiannually and at times and places determined by that section of the examining
6 board, and shall provide public notice of each examination at least 90 days before the
7 date of the examination.

8 **SECTION 49.** 457.16 (2) of the statutes is amended to read:

9 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
10 applicants to demonstrate minimum competency in subjects substantially related to
11 the practice of social work, advanced practice social work, independent social work,
12 ~~independent~~ clinical social work, marriage and family therapy or professional
13 counseling, as appropriate.

14 **SECTION 50.** 457.16 (3) of the statutes is amended to read:

15 457.16 (3) An individual is not eligible for examination unless he or she
16 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),
17 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
18 to (3) or 457.12 (1) to (3) and, at least 30 days before the date of the examination,
19 submits an application for examination to the department on a form provided by the
20 department and pays the fee specified in s. 440.05 (1).

21 **SECTION 51.** 457.20 (1) and (2) of the statutes are amended to read:

22 457.20 (1) The department shall issue a certificate of certification or licensure
23 to each individual who is certified or licensed under this chapter.

BILL

INSERT 17-4

(2) The renewal dates for certificates and licenses granted under this chapter, other than ~~certificates granted under ss. 457.13 and 457.14 temporary certificates~~ and licenses, are specified under s. 440.08 (2) (a).

SECTION 52. 457.20 (3) ^{(b) and are} (c) of the statutes ~~is~~ amended to read:

~~457.20(3)~~ (c) If the application is for renewal of a professional counselor certificate license that was originally granted as a professional counselor certificate under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional counselor license section that the applicant continues to be employed by a federal, state or local governmental agency as a professional counselor, professional rehabilitation counselor, vocational rehabilitation counselor or rehabilitation counselor.

SECTION 53. 457.20 (4) of the statutes is amended to read:

457.20 (4) Renewal of an advanced practice social worker, independent social worker or ~~independent~~ clinical social worker certificate or license automatically renews the individual's social worker certificate without payment of the renewal fee for the social worker certificate or completion of the continuing education requirements that would otherwise be required for renewal of a social worker certificate.

SECTION 54. 457.22 of the statutes is amended to read:

457.22 Continuing education. The examining board may promulgate rules establishing requirements and procedures for certificate holders ~~and licensees~~ to complete continuing education programs or courses of study in order to qualify for renewal. The rules may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal.

The ~~appropriate~~ ^{certification} section of the examining board may waive all or part of the

but not for licensees

~~and licensees~~

BILL

1 requirements established in rules promulgated under this section if it determines
2 that prolonged illness, disability or other exceptional circumstances have prevented
3 the individual from completing the requirements.

4 SECTION 55. 457.25 of the statutes is amended to read:

5 **457.25 Reporting requirements. (1)** Any public or private mental health
6 or health care agency, institution or facility, or any other person or entity that
7 employs or contracts for services with a ~~certificate credential~~ holder, that terminates,
8 suspends or restricts the employment or contract of the ~~certificate credential~~ holder
9 as a result of adverse or disciplinary action against the ~~certificate credential~~ holder
10 relating to his or her practice of social work, advanced npractice social work,
11 indenendent social work, ~~independent~~ clinical social work, marriage and family
12 therapy or professional counseling shall submit a written report of the action to the
13 appropriate section of the examining board within 30 days after the date on which
14 the action is taken or, if grounds for such an action exist and the ~~certificate credential~~
15 holder terminates his or her employment before the action is taken, within 30 days
16 after the date on which the ~~certificate credential~~ holder terminates his or her
17 employment.

18 (2) Any state or local professional society or organization of social workers,
19 marriage and family therapists or professional counselors that terminates, revokes
20 or suspends the membership of a ~~certificate credential~~ holder, or takes any other
21 adverse or disciplinary action against a ~~certificate credential~~ holder relating to his
22 or her practice of social work, advanced npractice social work, indenendent social
23 work, ~~independent~~ clinical social work, marriage and family therapy or professional
24 counseling, shall submit a written report of the action to the appropriate section of
25 the examining board within 30 days after the date on which the action is taken or,

BILL

1 if grounds for such an action exist and the ~~certificate~~ credential holder terminates
2 his or her membership before the action is taken, within 30 days after the date on
3 which the ~~certificate~~ credential holder terminates his or her membership.

4 (3) Any insurer, as defined in s. 600.03 (27), who provides professional liability
5 insurance coverage for a ~~certificate~~ credential holder and who pays a claim for
6 damages arising out of the rendering of services by the ~~certificate~~ credential holder
7 or obtains any information that tends to substantiate a charge that the ~~certificate~~
8 credential holder has engaged in conduct that constitutes grounds for discipline
9 under s. 457.26 shall submit a written report of the payment or information to the
10 appropriate section of the examining board within 30 days after the date on which
11 the payment is made or information is obtained.

12 (4) Any circuit court that appoints a guardian of the person or estate of a
13 ~~certificate~~ credential holder or makes a judgment or other determination that a
14 ~~certificate~~ credential holder is mentally ill or mentally incompetent or that a
15 ~~certificate~~ credential holder has done any of the acts enumerated in s. 457.26 (2) shall
16 submit a written report of the appointment, judgment or determination to the
17 appropriate section of the examining board within 30 days after the date on which
18 the appointment, judgment or determination is made.

19 (5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3) or (4), the
20 appropriate section of the examining board shall notify the ~~certificate~~ credential
21 holder, in writing, of the substance of the report. The ~~certificate~~ credential holder
22 and ~~the certificate holder's~~ his or her authorized representative may examine the
23 report and may place into the record a statement, of reasonable length, of the
24 ~~certificate~~ credential holder's view of the correctness or relevance of any information
25 in the report. The ~~certificate~~ credential holder may institute an action in circuit court

BILL

SECTION 65

1 to amend or expunge any part of ~~the certificate holder's~~ his or her record related to
2 the report.

3 (b) If the appropriate section of the examining board determines that a report
4 submitted under sub. (1), (2), (3) or (4) is without merit or that the ~~certificate~~
5 credential holder has sufficiently improved his or her conduct, that section of the
6 examining board shall remove the report from ~~the certificate holder's~~ his or her
7 record. If no report about a ~~certificate~~ credential holder is filed under sub. (1), (2),
8 (3) or (4) for 2 consecutive years, the ~~certificate~~ credential holder may petition the
9 appropriate section of the examining board to remove any prior reports, which did
10 not result in disciplinary action, from his or her record.

11 **SECTION 56.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

12 , 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
13 appropriate section of the examining board may reprimand a ~~certificate~~ credential
14 holder or deny, limit, suspend or revoke a ~~certificate~~ credential under this chapter
15 if it finds that the applicant or ~~certificate~~ credential holder has done any of the
16 following:

17 (a) Made a material misstatement in an application for a ~~certificate~~ credential
18 or for renewal of a ~~certificate~~ credential.

19 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
20 circumstances of which substantially relate to the practice of social work, advanced
21 practice social work, independent social work, independent clinical social work,
22 marriage and family therapy or professional counseling,

23 **SECTION 57.** 457.26 (2) (e) of the statutes is amended to read:

24 457.26 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced social work,
25 advanced practice social work, independent social work, independent clinical social

BILL

1 work, marriage and family therapy or professional counseling while his or her ability
2 to practice was impaired by alcohol or other drugs.

3 **SECTION 58.** 457.26 (2) (g) of the statutes is amended to read:

4 457.26 (2) (g) Performed social work, advanced' practice social work,
5 independent social work or independent clinical social work services in violation of
6 the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while
7 practicing social work, advanced practice social work, independent social work,
8 independent clinical social work, marriage and family therapy or professional
9 counseling which evidences a lack of knowledge or ability to apply professional
10 principles or skills.

11 **SECTION 59.** 905.04 (1) (bm) of the statutes is amended to read:

12 905.04 (1) (bm) "Marriage and family therapist" means an individual who is
13 ~~certified~~ licensed as a marriage and family therapist under ch. 457 or an individual
14 reasonably believed by the patient to be a, marriage and family therapist.

15 **SECTION 60.** 905.04 (1) (dm) of the statutes is amended to read:

16 905.04 (1) (dm) "Professional counselor" means an individual who is ~~certified~~
17 licensed as a professional counselor under ch. 457 or an individual reasonably
18 believed by the patient to be a professional counselor.

19 **SECTION 61. Nonstatutory provisions**

20 (1) **DEFINITION.** In this SECTION, "examining board" means the examining board
21 of social workers, marriage and family therapists and professional counselors.

22 (2) **EXAMINING BOARD MEMBERSHIP.** Notwithstanding section 15.405 (7c) (a) of
23 the statutes, as affected by this act, a member of the examining board who was
24 appointed on or before the effective date of this subsection may continue to serve as
25 a member of the examining board until the end of his or her appointed term.

INSEAT
23-20
(b)

(am) and
(b)

INSEAT
23-25

(c) (intro.), 1., 2. and 3. and (d)

SECTION 61

BILL

1 (3) TRANSITIONAL PROVISIONS.

2 (a) Duties of examining board sections. Notwithstanding sections 457.08 (4)
3 (intro.) ~~and~~ (b), 457.09 (1) (intro.), (a) and (d), 457.10 (intro.) ~~and (2) (a)~~, 457.12
4 (intro.) ~~and~~ (2), 457.13 (1) (intro.) ~~and~~ (a), 457.14 and 457.15 (1), (d), (2) and (3) of the
5 statutes, as affected by this act, on the effective date of this paragraph:

(2) (intro.), (3) (intro.), (a), (b) and (c)

6 1. The ~~social worker~~ ^{license} section of the examining board shall grant an
7 independent clinical social worker license under section 457.08 (4) of the statutes,
8 as affected by this act, to any person who holds a valid independent clinical social
9 worker certificate that was granted by the social worker section of the examining
10 board before the effective date of this subdivision.

11 2. The ~~social worker~~ ^{certification} section of the examining board shall grant a social worker
12 training permit under section 457.09 (1) of the statutes, as affected by this act, to any
13 person who holds a valid social worker training certificate that was granted by the
14 social worker section of the examining board before the effective date of this
15 subdivision. Notwithstanding section 457.09 (3) (a) and (b) of the statutes, as
16 affected by this act, a social worker training permit granted under this subdivision
17 is valid for 24 months beginning after the date on which the social worker section of
18 the examining board granted the social worker training certificate to the person or
19 until the date on which the person receives the results of the examination that he or
20 she has taken under section 457.09 (5) (a) of the statutes, as affected by this act,
21 whichever occurs first.

(a), (b), (c) and

22 3. The ~~marriage and family therapist~~ ^{license} section of the examining board shall grant
23 a marriage and family therapist license under section 457.10 of the statutes, as
24 affected by this act, to any person who holds a valid marriage and family therapist

(3) (intro.), (a) (intro.), 1., 2. and 3., (b) (intro.), 1., 2. and 3. and (4)

BILL

1 certificate that was granted by the marriage and family therapy section of the
2 examining board before the effective date of this subdivision.

3 4. The ~~professional counselor~~^{license} section of the examining board shall grant a
4 professional counselor license under section 457.12 of the statutes, as affected by this
5 act, to any person who holds a valid professional counselor certificate that was
6 granted by the professional counselor section of the examining board before the
7 effective date of this subdivision.

8 5. The ~~professional counselor~~^{license} section of the examining board shall grant a
9 professional counselor training permit under section 457.13 (1) of the statutes, as
10 affected by this act, to any person who holds a valid professional counselor training
11 certificate that was granted by the professional counselor section of the examining
12 board before the effective date of this subdivision. Notwithstanding section 457.13
13 (2) of the statutes, as affected by this act, a professional counselor training permit
14 granted pursuant to this subdivision is valid for 24 months beginning after the date
15 on which the professional counselor section of the examining board granted the
16 professional counselor training certificate or until the date on which the person
17 ceases to be employed in a position specified under section 457.13 (1) (d) of the
18 statutes, whichever occurs first.

19 6. ~~A~~^{The license} section of the examining board shall grant a temporary^{license} under
20 section 457.14 of the statutes, as affected by this act, to any person who holds a valid
21 temporary independent clinical social worker, marriage and family therapist or
22 professional counselor certificate that was granted by ~~the~~^a section of the examining
23 board before the effective date of this subdivision. A temporary license granted
24 pursuant to this subdivision is valid only for the period of time designated by the
25 section of the examining board for the temporary certificate granted to the person.

BILL

1 If the temporary certificate was renewed once by the ~~appropriate~~ ^{appropriate} section ~~of the~~ ^{of the}
 2 ~~examining board~~ ^{examining board}, the temporary license may not be renewed.

(INSERT 26-3)

3 7. ~~A~~ ^{The licensure} section of the examining board shall grant a reciprocal license under
 4 section 457.15 of the statutes, as affected by this act, to any person who holds a valid
 5 reciprocal independent clinical social worker, marriage and family therapist or
 6 professional counselor certificate granted by ~~the~~ ^a section of the examining board
 7 before the effective date of this subdivision.

8 (b) ~~Duty of department of regulation and licensing.~~ ^{Duty of department of regulation and licensing.} The department of
 9 ~~regulation and licensing~~ shall issue a certificate of licensure under section 457.20 (1)
 10 of the statutes, as affected by this act, to any person who is granted a license under
 11 paragraph (a).

SECTION 62. Effective date.

13 (1) This act takes effect on the first day of the 6th month beginning after
 14 publication.

(END)

1

INSERT 2-1:

2

social workers, advanced practice social workers, independent social workers,

3

INSERT 2A:

no 9

The examining board consists of a social worker section, a marriage and family therapist section and a professional counselor section.

4

INSERT 2B:

no 9

and changes the title "independent clinical social worker" to "clinical social worker". The bill eliminates the sections of the examining board under current law, and creates instead a certification section and a licensure section. The bill also

5

INSERT 2C:

no 9

In addition, the bill prohibits persons who are not licensed under the bill from practicing psychotherapy, except for persons certified as advanced practice and independent social workers who practice psychotherapy, under the supervision of persons licensed under the bill and except for persons who practice psychotherapy within the scope of practice of other state or federal licenses.

6

INSERT 2D:

five

except for the requirement that an applicant must have ^{or two} 2/4 full years of supervised clinical experience approved by the examining board. Under this bill, this experience must be supervised by an individual who holds the same license for which the applicant is applying and who has ~~either~~ (1) a doctorate degree; 2) a master's degree and 5 years of clinical practice; or 3) comparable educational or practical experience specified in rules promulgated by the examining board.

7

INSERT 2E:

no 9

or to use the title "employe assistance counselor" or to engage in such counseling

8

INSERT 3A:

no 9

also makes other changes to the regulation of social work, marriage and family therapy and professional counseling, including the following:

1. The bill requires the examining board to promulgate rules that specify the different levels of psychometric testing that may be performed by persons who are certified as social workers, independent social workers or advanced practice social workers or who are licensed under the bill.

2. The bill prohibits the examining board from promulgating continuing education requirements for persons who are licensed under the bill.

3. The bill

9

INSERT 3B:



9

4. The bill creates a marriage and family therapist training permit that is comparable to the social worker and professional counselor training permits.

INSERT 3-1:

SECTION 1. 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)

and amended to read:

15.405 (7c) (a) (intro.) There is created an examining board of social workers, marriage and family therapists and professional counselors in the department of regulation and licensing. ~~The consisting of the following members of the examining board shall be appointed for 4-year terms. Four:~~

1. Three members shall be who are certified under ch. 457 as social workers.

~~Three members shall be certified under ch. 457 as~~

3. Two marriage and family therapists. Three therapist members shall be certified under c. 457 as who are licensed under ch. 457.

4. Two professional counselors. Three members shall be counselor members who are licensed under ch. 457.

5. Four public members. Of the 4 certified social worker members, one shall be who represent groups that promote the interests of consumers of services provided persons who are certified or licensed under ch. 457.

(am) The 3 members appointed under par. (a) 1. shall consist of the following:

1. One member who is certified under ch. 457 as an advanced practice social worker, one shall be.

2. One member who is certified under ch. 457 as an independent social worker, one shall be certified under ch. 457 as an independent clinical social worker and at.



1 3. ~~At least one shall be~~ member who is employed as a social worker by a federal,
2 state or local governmental agency.

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss 45, 47 to 52; 1979 c. 221,304; 1981 c. 94 ss. 5, 9, 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316,340; 1991 a. 39, 78, 160, 189,269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417, 1997 a. 96, 252, 300.

3 **SECTION 2.** 15.405 (7c) (a) 2. of the statutes is created to read:

4 15.405 (7c) (a) 2. [✓]Two clinical social worker members who are licensed under
5 ch. 457.

6 **SECTION 3.** 15.405 (7c) (b) of the statutes is repealed and recreated to read:

7 15.405 (7c) (b) In operation, the examining board shall be divided into a
8 certification section and a licensure section. The certification section shall consist
9 of the members of the examining board appointed under par. (a) 1. and one of the
10 public member^s of the examining board. The licensure section shall consist of the
11 members of the examining board appointed under par. (a) 2., 3. and 4. and 3 of the
12 public members of the examining board.

13 **SECTION 4.** 15.405 (7c) (c) of the statutes is repealed and recreated to read:

14 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
15 suspending or revoking a certificate under ch. 457 shall be acted upon solely by the
16 certification section of the examining board and all matters pertaining to granting,
17 denying, limiting, suspending or revoking a license under ch. 457 shall be acted upon
18 solely by the licensure section of the examining board.

19 **SECTION 5.** 15.405 (7c) (d) of the statutes is amended to read:

20 15.405 (7c) (d) All matters that the examining board determines are of joint
21 interest shall be considered by joint meetings of ~~all~~ [✓]both sections of the examining
22 board ~~or of those sections which the problem is of interest.~~

History: 1973 c. 90, 156, 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221,304; 1981 c. 94 ss. 5, 9, 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316,340; 1991 a. 39,78, 160, 189,269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417, 1997 a. 96, 252, 300.

23 **SECTION 6.** 15.405 (7c) (e) of the statutes is amended to read:



✓

1 15.405 (7c) (e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of ~~all~~ both
2 sections of the examining board, a majority of the examining board constitutes a
3 quorum to do business only if at least 8 members are present at the meeting. At a
4 meeting of a section of the examining board or a joint meeting of ~~2 or more of the both~~
5 sections of the examining board, each member who is present has one vote, except
6 as provided in par. (f).

History: 1973 c. 90,156; 1975 c. 39, 86, 199, 200, 383, 422, 1977 c. 26, 29, 203; 1977 c. 418, 1979 c. 34 ss. 45, 47 to 52, 1979 c. 221, 304, 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316,340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491, 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321,417; 1997 a. 96, 252, 300.

7 **SECTION 7.** 15.405 (7c) (f) of the statutes is amended to read:

8 15.405 (7c) (f) At a joint meeting of ~~the social worker section and one or both~~
9 ~~of the other~~ both sections of the examining board, each member who is present has
10 one vote, except that the ~~social worker~~ nonpublic members of the licensure ^{section} each have
11 ~~three-fourths~~ one-half of a vote if all 4 6 of those members are present.

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45,47 to 52; 1979 c. 221,304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340, 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491, 1995 a. 27 s. 9126 (19); 1995 a. 225, 1995 a. 305 s. 1; 1995 a. 321,417; 1997 a. 96, 252, 300.

12 **INSERT 5-12:**

13 **SECTION 8.** 457.01 (1o) of the statutes is created to read:

14 457.01 (1o) "Certification ^{section}" means the certification section of the
15 examining board.

16 **INSERT 6-8:**

17 **SECTION 9.** 457.01 (2w) of the statutes is created to read:

18 457.01 (2w) "Licensure ^{section}" means the licensure section of the examining
19 board.

20 **INSERT 6-12:**

21 **SECTION 10.** 457.01 (4) of the statutes is repealed.

22 **INSERT 6-17:**

23 **SECTION 11.** 457.01 (8) of the statutes is repealed.

↓

repealed and recreated

*WFO
for
please
comment*

SECTION 12. 457.01 (8m) of the statutes is ~~amended~~ to read:

457.01 (8m) "Psychotherapy" means the treatment, diagnosis, testing, assessment or counseling in a professional relationship to assist individuals or groups in alleviating mental or emotional disorders, understanding unconscious or conscious motivation, resolving emotional, relationship or attitudinal conflicts or modifying behavior that interferes with effective emotional, social or intellectual functioning.

INSERT 7-13:

SECTION 13. 457.01 (11) of the statutes is repealed.

INSERT 9-13:

SECTION 14. 457.03 (2) of the statutes is renumbered 457.03 (2) (intro.) and amended to read:

457.03 (2) (intro.) *no 91*

INSERT 9-22:

one of the following applies:

(a) The

INSERT 10-4:

SECTION 15. 457.03 (2) (b) of the statutes is created to read:

457.03 (2) (b) The individual is certified as an advanced practice or independent social worker and the individual engages in psychotherapy only under the supervision of a clinical social worker who is licensed under this chapter.

SECTION 16. 457.03 (3) of the statutes is amended to read:

457.03 (3) *no 91*

INSERT 10-9:

SECTION 17. 457.03 (4) and (5) of the statutes are created to read:



1 457.03 (4) Promulgate rules that specify the different levels of psychometric
2 testing that an individual who is certified or licensed under this chapter is qualified
3 to perform. A certificate holder or licensee may not engage in psychometric testing
4 except as provided under the rules promulgated under this subsection.

5 (5) Promulgate rules establishing the educational and ~~professional~~ ^{practice}
6 requirements that are specified in ss. 457.08 (4) (c) 3., 457.10 (3) (c) and
7 457.12 (3) (a) 3. and (b) 3.

8 **SECTION 19.** 457.03 (5) of the statutes is created to read:

9 457.03 (5) Study the need to allow other health care professionals to practice
10 psychotherapy. If the examining board determines that there is a need for such
11 authority, the examining board shall submit to the chief clerk of each house of the
12 legislature for distribution to the appropriate standing committees under s. 13.172
13 (3) a report that includes any proposals for legislation.

14 **INSERT 11-24:**

15 **SECTION 19.** 457.04 (7) of the statutes is created to read:

16 457.04 (7) Practice psychotherapy unless the person is licensed under this
17 chapter or unless the person is a certificate holder who may practice psychotherapy
18 under the rules promulgated under s. 457.03 (2) (b).

19 **INSERT 12-9:**

20 **SECTION 20.** 457.08 (1) (intro.) of the statutes is amended to read:

21 457.08 (1) **SOCIAL WORKER CERTIFICATE.** (intro.) The ~~social worker~~ ^{certification}
22 section shall grant a social worker certificate to an individual who qualifies under
23 s. 457.09 (5) (d) or to any individual who does all of the following:

24 History: 1991 a. 160, 1995 a. 27.

SECTION 21. 457.08 (1) (b) of the statutes is amended to read:



✓

1 457.08 (1) (b) Submits evidence satisfactory to the ~~social worker~~ certification
 2 section that he or she has received a bachelor's or master's degree in social work from
 3 a program accredited by, or a preaccreditation program of, the council on social work
 4 education or a doctorate degree in social work.

History: 1991 a. 160, 1995 a. 27.

5 **SECTION 22.** 457.08 (1) (c) of the statutes is amended to read:

6 457.08 (1) (c) Passes an examination approved by the ~~social worker~~
 7 certification section to determine minimum competence to practice as a social worker
 8 as specified in the rules promulgated under s. 457.03 (2).

History: 1991 a. 160; 1995 a. 27.

9 **SECTION 23.** 457.08 (2) (intro.) of the statutes is amended to read:

10 457.08 (2) **ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE.** (intro.) The ~~social~~
 11 ~~worker~~ certification section shall grant an advanced practice social worker
 12 certificate to any individual who is certified under sub. (1) and does all of the
 13 following:

History: 1991 a. 160, 1995 a. 27.

14 **SECTION 24.** 457.08 (2) (b) of the statutes is amended to read:

15 457.08 (2) (b) Submits evidence satisfactory to the ~~social worker~~ certification
 16 section that he or she has received a master's degree in social work from a program
 17 accredited by, or a preaccreditation program of, the council on social work education
 18 or a doctorate degree in social work.

History: 1991 a. 160, 1995 a. 27.

19 **SECTION 25.** 457.08 (2) (c) of the statutes is amended to read:

20 457.08 (2) (c) Passes an examination approved by the ~~social worker~~
 21 certification section to determine minimum competence to practice as an advanced
 22 practice social worker as specified in the rules promulgated under s. 457.03 (2).

History: 1991 a. 160; 1995 a. 27.

23 **SECTION 26.** 457.08 (3) (intro.) of the statutes is amended to read:

↘

1 457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~
 2 certification section shall grant an independent social worker certificate to any
 3 individual who is certified under sub. (1) and does all of the following:

History: 1991 a. 160; 1995 a. 27.

4 **SECTION 27.** 457.08.(3) (b) of the statutes is amended to read:

5 457.08 (3) (b) Submits evidence satisfactory to the ~~social worker~~ certification
 6 section that he or she has received a master’s degree in social work from a program
 7 accredited by, or a preaccreditation program of, the council on social work education
 8 or a doctorate degree in social work.

History: 1991 a. 160, 1995 a. 27.

9 **SECTION 28.** 457.08 (3) (c) of the statutes is amended to read:

10 457.08 (3) (c) Submits evidence satisfactory to the ~~social worker~~ certification
 11 section that after receiving a master’s or doctorate degree in social work he or she has
 12 engaged in the equivalent of at least 2 years of full-time supervised social work
 13 practice approved by the ~~social worker~~ certification section.

History: 1991 a. 160, 1995 a. 27.

14 **SECTION 29.** 457.08 (3) (d) of the statutes is amended to read:

15 **457.08 (3)** (d) Passes an examination approved by the ~~social worker~~
 16 certification section to determine minimum competence to practice as an
 17 independent social worker as specified in the rules promulgated under s. 457.03 (2)
 18 or passes the academy of certified social workers examination administered by the
 19 national association of social workers.

History: 1991 a. 160, 1995 a. 27.

INSERT 12-21:

21 **SECTION 30.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)

22 and amended to read:

1
2
3
4
5
6
7
8

INSERT 10-11 TO 99-0822/2INS:

SECTION 1. 457.10 (2) (b) of the statutes is amended to read:

457.10 (2) (b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work that the ~~marriage and family therapist licensure~~ section determines is substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy described under par. (a).

History: 1991 a. 160.

INSERT 10-11 ✓ see 99-0822/2ins2

1 in psychology, sociology, criminal justice or another human service program
2 approved by the section.

History: 1995 a. 27

INSERT 14-21:

3
4 (c) If an individual fails an examination specified under par. (a) or (b), he or she
5 may retake the examination. The ~~social worker~~ certification section may not place
6 any restrictions on the number of times an individual may retake the examinations
7 specified under pars. (a) and (b).

History: 1995 a. 27

INSERT 15-5:

8
9 **SECTION 34. 457.10** (2) (intro.) of the statutes is amended to read:

10 457.10 (2) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
11 ~~therapist licensure~~ section that he or she has done any of the following:

History: 1991 a. 160.

12 **SECTION 35. 457.10** (3) of the statutes is renumbered 457.10 (3) (intro.) and
13 amended to read:

14 457.10 (3) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
15 ~~therapist licensure~~ section that after receiving a master's or doctorate degree
16 required under sub. (2) he or she has engaged in the equivalent of at least 2 years of
17 full-time supervised clinical marriage and family therapy practice ~~approved by the~~
18 ~~marriage and family therapist section.~~ supervised by one of the following:

History: 1991 a. 160.

19 **SECTION 36. 457.10** (3) (a), (b) and (c) of the statutes are created to read:

20 457.10 (3) (a) An individual licensed as a marriage and family therapist who
21 has received a doctorate degree in marriage and family therapy.

1 (b) An individual licensed as a marriage and family therapist who has engaged
2 in the equivalent of 5 years of full-time clinical marriage and family therapy
3 practice.

4 (c) An individual licensed as a marriage and family therapist who satisfies
5 educational or practice requirements that are comparable to the requirements under
6 par. (a) or (b) and that are established in rules promulgated under s. 457.03 (5).

7 **SECTION 37.** 457.10 (4) of the statutes is amended to read:

8 457.10 (4) Passes an examination approved by the ~~marriage and family~~
9 ~~therapist licensure~~ section to determine minimum competence to practice marriage
10 and family therapy.

History: 1991 a. 160.

11 **SECTION 38.** 457.11 of the statutes is created to read:

12 **457.11 Marriage and family therapist training permit. (1)** The licensure
13 section shall grant a marriage and family therapist training permit to any individual
14 who does all of the following:

15 (a) Submits an application for the permit to the department on a form provided
16 by the department.

17 (b) Pays the fee specified in s. 440.05 (6).

18 (c) Satisfies the requirements in s. 457.10 (2).

19 (d) Submits evidence satisfactory to the licensure section that he or she is
20 employed full-time, or has an offer of full-time employment, as a marriage and
21 family therapist in a supervised clinical marriage and family therapist practice or
22 in a position in which the applicant will, in the opinion of the licensure section,
23 receive training and supervision equivalent to the training and supervision received
24 in a full-time supervised clinical marriage and family therapist practice.



1 (2) A marriage and family therapist training permit is valid for 24 months or
 2 until the date on which the holder of the permit ceases to be employed in a position
 3 specified in sub. (1) (d), whichever occurs first, and may not be renewed by the
 4 licensure section. A marriage and family therapist training permit authorizes the holder to
 5 use any title specified in s. 457.04 (5) during the period in which the permit is valid.

6 INSERT 15-19:

7 **SECTION 39.** 457.12 (3) (intro.) of the statutes is amended to read:

8 457.12 (3) (intro.) Submits evidence satisfactory to the ~~professional counselor~~
 9 licensure section that he or she has done any of the following:

10 **SECTION 40.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)

11 and amended to read:

12 457.12 (3) (a) (intro.) After receiving a master's degree in professional
 13 counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time
 14 ~~supervised~~ clinical professional counseling practice ~~approved by the professional~~
 15 ~~counselor section.~~ sunervised by one of the following:

16 History: 1991 a. 160, 1993 a. 366.

SECTION 41. 457.12 (3) (a) 1., 2. and 3. of the statutes are created to read:

17 457.12 (3) (a) 1. An individual licensed as a professional counselor who has
 18 received a doctorate degree in professional counseling.

19 2. An individual licensed as a professional counselor who has engaged in the
 20 equivalent of 5 years of full-time clinical professional counseling practice.

21 3. An individual licensed as a professional counselor who satisfies educational
 22 or practice requirements that are comparable to the requirements under subd. 1. or
 23 2. and that are established in rules promulgated under s. 457.03 (5).

1 **SECTION 42.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) intro.)
2 and amended to read:

3 457.12 (3) (b) (intro.) After receiving a doctorate degree in professional
4 counseling or its equivalent, engaged in the equivalent of at least one year of
5 full-time supervised clinical professional counseling practice ~~approved by the~~
6 ~~professional counselor section.~~ supervised by one of the following:

History: 1991 a. 160; 1993 a. 366.

7 **SECTION 43.** 457.12 (3) (b) 1., 2. and 3. of the statutes are created to read:

8 457.12 (3) (b) 1. An individual licensed as a professional counselor who has
9 received a doctorate degree in professional counseling.

10 2. An individual licensed as a professional counselor who has engaged in the
11 equivalent of 5 years of full-time clinical professional counseling practice.

12 3. An individual licensed as a professional counselor who satisfies educational
13 or practice requirements that are comparable to the requirements under subd. 1. or
14 2. and that are established in rules promulgated under s. 457.03 (5).

15 **SECTION 44.** 457.12 (4) of the statutes is amended to read:

16 457.12 (4) Passes an examination approved. by the ~~professional counselor~~
17 licensure section to determine minimum competence to practice professional
18 counseling.

History: 1991 a 160, 1993 a. 366.

INSERT 16-2:

20 **SECTION 45.** 457.13 (1) (d) of the statutes is amended to read:

21 457.13 (1) (d) Submits evidence satisfactory to the ~~professional counselor~~
22 licensure section that he or she is employed full-time, or has an offer of full-time
23 employment, as a professional counselor in a supervised clinical professional
24 counseling practice or in a position in which the applicant will, in the opinion of the

1 ~~professional counselor licensure~~ [✓] [✓] section, receive training and supervision equivalent
2 to the training and supervision received in a full-time supervised clinical
3 professional counseling practice.

4 History: 1993 a. 366.

INSERT 17-1:

5 **SECTION 46. 457.15** ^(intro.) (a), (b) and (c) of the statutes are amended to read:

6 457.15 **(1)** ^(intro.) [^] Upon application and payment of the fee specified in s. 440.05 (2),
7 the ~~social worker~~ [✓] certification section shall do all of the following:

8 (a) Grant a social worker certificate to any individual who holds a similar
9 certificate in another state or territory of the United States if the ~~social worker~~
10 certification [✓] section determines that the requirements for obtaining the certificate
11 in the other state or territory are substantially equivalent to the requirements under
12 s. 457.08 (1).

13 (b) Grant an advanced practice social worker certificate to any individual who
14 is certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate
15 in another state or territory of the United States if the ~~social worker~~ [✓] certification
16 section determines that the requirements for obtaining the certificate in the other
17 state or territory are substantially equivalent to the requirements under s. 457.08
18 (2).

19 (c) Grant an independent social worker certificate to any individual who is
20 certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in
21 another state or territory of the United States if the ~~social worker~~ certification
22 section determines that the requirements for obtaining the certificate in the other

1 state or territory are substantially equivalent to the requirements under s. 457.08
2 (3).

3 History: 1991 a. 160.

3 **SECTION 47.** 457.15 (1) (d) of the statutes is renumbered 457.15 (2) (a) and
4 amended to read:

5 457.15 (2) (a) Grant ~~an independent~~ a clinical social worker certificate to any
6 individual who is certified under ~~par. sub. (1)~~ (1) (a) or under s. 457.08 (1) and who holds
7 a similar certificate in another state or territory of the United States if the ~~social~~
8 ~~worker~~ licensure section determines that the requirements for obtaining the
9 certificate in the other state or territory are substantially equivalent to the
10 requirements under s. 457.08 (4).

11 History: 1991 a. 160.

11 **SECTION 48.** 457.15 (2) of the statutes is renumbered 457.15 (2) (intro.) and
12 amended to read:

13 457.15 (2) (intro.) Upon application and payment of the fee specified in s.
14 440.05 (2), the ~~marriage and family therapist~~ licensure section shall ~~grant~~ do all of
15 the following:

16 (b) Grant a marriage and family therapist certificate to any individual who
17 holds a similar certificate in another state or territory of the United States if the
18 ~~marriage and family therapist~~ licensure section determines that the requirements
19 for obtaining the certificate in the other state or territory are substantially
20 equivalent to the requirements under s. 457.10.

21 History: 1991 a. 160.

21 **SECTION 49.** 457.15 (3) of the statutes is renumbered 457.15 (2) (c) and
22 amended to read:

23 457.15 (2) (c) ~~Upon application and payment of the fee specified in s. 440.05 (2),~~
24 ~~the professional counselor~~ section shall Grant a professional counselor

1 certificate to any individual who holds a similar certificate in another state or
2 territory of the United States if the ~~professional counselor~~ [✓] licensure section
3 determines that the requirements for obtaining the certificate in the other state or
4 territory are substantially equivalent to the requirements under s. 457.12.

5 History: 1991 a. 160.

INSERT 19-4:

6 457.20 (3) (b) ~~Proof~~ [✓] If the application is for renewal of a certificate of
7 certification, proof of completion of continuing education requirements in s. 457.22.

8 History: 1991 a. 160; 1993 a. 366.

INSERT 23-20:

9 ⁹¹ (a) "Department" means the department of regulation and licensing.

INSERT 23-25:

10 ^{no 8}, except for a member whose appointed term expires on or before January 1, 2002.

11 (b) The secretary of the department shall assign the public members of the
12 examining board who were appointed on or before the effective date of this paragraph [✓]
13 for terms that expire after January 1, 2002, to serve on either the certification or
14 ^{the} licensure section of the examining board.

INSERT 25-19:

15 clinical social worker, marriage and family therapist or professional counselor

INSERT 26-3:

16 clinical social worker, marriage and family therapist or professional counselor

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0822/2dn

MDK:.....

CMH

✓
Representative Urban: ✓

This version is based on instructions from Dismas Becker. Please note the following:

1. This version includes the new definition of “psychotherapy”, but I’m not sure that there is clear distinction between what constitutes psychotherapy and what constitutes, for example, social work. If a person counsels another person to deal with, for example, an emotional disorder, doesn’t such counseling fall under the definition of both “psychotherapy” and “social work”?

2. Under this version, as under current law, one of the certified social worker members of the board must be a government employe. Is this okay?

3. The board has the same number of members as under current law. Therefore, I did not change the quorum requirement for meetings of the entire board. Is this okay?

4. Please review the proposed amendment of s. 15.405 (7c) (f), stats. Although the amendment differs from your instructions on this point, I think it achieves your intent.

5. Is the language regarding the public members of the examining board in proposed s. 15.405 (7c) (a) 5. okay? I am reluctant to insert the actual names of consumer interest groups into the statutes because of the possibility of future name changes or reorganizations of the groups.

6. Please review the nonstatutory provisions of the bill regarding examining board membership, which are intended to allow certain members of the examining board under current law to continue to serve on the board as affected by the bill. These provisions also allow the secretary of DORL to determine whether a public member appointed under current law serves on either the licensure or certification section of the examining board. Are these provisions okay?

the

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0822/2dn
MDK:cmh:jf

April 21, 1999

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