

1999 DRAFTING REQUEST

Bill

Received: 03/8/99

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Richard Grobschmidt (608) 266-7505**

By/Representing: **John**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Licensure of independent clinical social workers, marriage and family therapists and professional counselors.

Instructions:

Companion bill to Rep. Urban's request.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	kunkemd 04/21/99	chanaman 04/21/99	hhagen 03/10/99	_____	lrb_docadmin 03/10/99		State
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Page 2

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NOTE

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1999 BILL

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1 **AN ACT 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:**

BILL

- 1 the regulation of independent clinical social workers, marriage and family
2 therapists, and professional counselors.

Analysis by the Legislative Reference Bureau

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.

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.

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

BILL

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.

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:

BILL

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.

BILL

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 (1f) of the statutes is created to read:

11 457.01 (1f) “Advanced practice social worker” means an individual who holds
12 an advanced practice social worker certificate granted by the social worker section.

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

14 457.01 (1p) “Credential” means a license, certificate or permit granted under
15 this chapter.

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

17 457.01 (2d) “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:

BILL

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 section.

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

5 457.01 (2t) “Independent social worker” means an individual who holds an
6 independent social worker certificate granted by the social worker section.

7 **SECTION 13.** 457.01 (2w) 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.

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.

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, ~~psychotherapeutic~~ 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.

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” or “chemical dependency
18 counselor”, or to engage in such counseling, 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 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 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 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.

20 **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
25 therapist, professional counselor or independent clinical social worker if the person

BILL

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) to (3) of the statutes are 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 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 (2) Upon the advice of the social worker section, marriage and family therapist
14 section and professional counselor section, 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, independent social work or 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, independent social worker or independent clinical
20 social worker is qualified to 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 the individual is certified licensed under
23 this chapter as 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).~~

4 (3) 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.

10 **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 represents or may tend
13 to represent 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.

21 (3) Use Designate himself or herself as an independent 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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1 (4) Use Practice independent clinical social work or designate himself or
2 herself as an independent clinical social worker or use or assume the title
3 “independent clinical social worker” or “clinical social worker” or any other title or
4 designation that represents or may tend to represent the person as an independent
5 clinical social worker unless the person is ~~certified~~ licensed as an independent
6 clinical social worker under this chapter.

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

8 457.04 (5) Use Practice marriage and family therapy or designate himself or
9 herself as a marriage and family therapist or use or assume the title “marriage and
10 family therapist”, “marriage and family counselor” or any ~~similar~~ other title or
11 designation that represents or may tend to represent the person as a marriage and
12 family therapist unless any of the following applies:

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

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

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

19 457.04 (6) Use Practice professional counseling or designate himself or herself
20 as a professional counselor or use or assume the title “professional counselor”,
21 “professional rehabilitation counselor”, “vocational rehabilitation counselor” ~~or~~,
22 “rehabilitation counselor” or any ~~similar~~ other title or designation that represents
23 or may tend to represent the person as a professional counselor unless the person is
24 ~~certified~~ licensed as a professional counselor under this chapter.

25 **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 SOCIAL WORKER ~~CERTIFICATE LICENSE.~~** (intro.)
12 The social worker section shall grant an independent clinical social worker
13 ~~certificate~~ license to any individual who is ~~certified~~ licensed 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 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 **457.09** (title) **Social worker training certificate permit**. (1) (intro.) The
2 social worker 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 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:

BILL

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 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) Notwithstanding 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) (a) and (b) of the statutes are 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).

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 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 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).

BILL

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 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 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 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 section and,
18 as part of the master's or doctorate degree program, completed at least 60 hours of
19 academic credit.

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 section shall grant a professional counselor
24 training certificate pcrmit to any individual who does all of the following:

BILL

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 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.

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

13 **457.14 Temporary certificates 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

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:

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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
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.

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

4 **SECTION 52.** 457.20 (3) (c) of the statutes is amended to read:

5 457.20 (3) (c) If the application is for renewal of a professional counselor
6 ~~certificate~~ license that was originally granted as a professional counselor certificate
7 under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the
8 professional counselor section that the applicant continues to be employed by a
9 federal, state or local governmental agency as a professional counselor, professional
10 rehabilitation counselor, vocational rehabilitation counselor or rehabilitation
11 counselor.

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

13 457.20 (4) Renewal of an advanced practice social worker, independent social
14 worker or independent clinical social worker certificate or license automatically
15 renews the individual's social worker certificate without payment of the renewal fee
16 for the social worker certificate or completion of the continuing education
17 requirements that would otherwise be required for renewal of a social worker
18 certificate.

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

20 **457.22 Continuing education.** The examining board may promulgate rules
21 establishing requirements and procedures for certificate holders and licensees to
22 complete continuing education programs or courses of study in order to qualify for
23 renewal. The rules may not require an individual to complete more than 30 hours
24 of continuing education programs or courses of study in order to qualify for renewal.
25 The appropriate section of the examining board may waive all or part of the

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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 practice social work,
11 independent 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 practice social work, independent 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,

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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

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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

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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.

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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:

6 1. The social worker 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 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.

22 3. The marriage and family therapist 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

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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 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 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 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 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.

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

3 7. A 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 section of the examining board
7 before the effective date of this subdivision.

8 (b) *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).

12 **SECTION 62. Effective date.**

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

15 (END)



D - NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

~~LRB-0822/10a~~
MDK:cmh:km

March 5, 1999

LRB-2435/1dn

which
also pointed
out with respect
to LRB-0822/1

Representative Urban

Senator Grobschmidt:

Identical to LRB-0822/1.

This bill is ~~based on 1997 Assembly Bill 517, except that, based on instructions from Dismas Becker, the bill imposes licensing requirements for independent clinical social workers, marriage and family therapists and professional counselors and retains the certification requirements under current law for social workers, advanced practice social workers and independent social workers. In addition, please note the following about the bill.~~

1. What is your intent regarding the Colorado law that imposes certain qualifications in order to conduct certain testing? That law's provisions are not incorporated in this bill because I am not sure how they relate to the rest of the request. Do you want to prohibit anyone, including individuals who are licensed as independent clinical social workers, marriage and family therapists and professional counselors, from conducting these tests unless the person demonstrates that the person is qualified? Or should licensed individuals be exempted from the qualifications? Under the bill, an individual must have at least a master's degree to be eligible for a license. Is the master's degree sufficient to assure that a licensed individual is qualified to conduct the tests? Please contact me so that I may revise the bill accordingly.

2. Do you want to incorporate the Colorado law's ^{that} definition of professional counseling in the bill? The bill does not incorporate ~~the~~ definition because you also requested that the scope of practice for the 3 licensed professions should be the same as under 1997 Assembly Bill 517.

3. Under the bill, an individual does not have to be licensed to practice independent social work or advanced practice social work. Therefore, the bill eliminates the definitions of these practices.

4. Please review the definition of "psychotherapy", which incorporates the definition at s. 457.01 (8m), stats., as well as the suggested language regarding testing.

5. Do the amendments of ss. 457.08 (4) (b), 457.10 (2) (a) and 457.12 (2), stats., reflect your intent regarding the 60 credit hours?

6. The bill does not change the 2-year supervision requirements of s. 457.08 (3) (c), 457.10 (3) and 457.12 (3) (a), stats. Is this okay?

7. I do not understand your instructions regarding the treatment of school counselors. The bill makes no changes to their treatment under current law. Is this okay?

If you have any questions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

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

LRB-2435/1dn
MDK:cmh:hmh

March 10, 1999

Senator Grobschmidt:

This bill is identical to LRB-0822/1. Please note the following about the bill, which I also pointed out with respect to LRB-0822/1:

1. What is your intent regarding the Colorado law that imposes certain qualifications in order to conduct certain testing? That law's provisions are not incorporated in this bill because I am not sure how they relate to the rest of the request. Do you want to prohibit anyone, including individuals who are licensed as independent clinical social workers, marriage and family therapists and professional counselors, from conducting these tests unless the person demonstrates that the person is qualified? Or should licensed individuals be exempted from the qualifications? Under the bill, an individual must have at least a master's degree to be eligible for a license. Is the master's degree sufficient to assure that a licensed individual is qualified to conduct the tests? Please contact me so that I may revise the bill accordingly.

2. Do you want to incorporate the Colorado law's definition of professional counseling in the bill? The bill does not incorporate that definition.

3. Under the bill, an individual does not have to be licensed to practice independent social work or advanced practice social work. Therefore, the bill eliminates the definitions of these practices.

4. Please review the definition of "psychotherapy", which incorporates the definition at s. 457.01 (8m), stats., as well as the suggested language regarding testing.

5. Do the amendments of ss. 457.08 (4) (b), 457.10 (2) (a) and 457.12 (2), stats., reflect your intent regarding the 60 credit hours?

6. The bill does not change the 2-year supervision requirements of s. 457.08 (3) (c), 457.10 (3) and 457.12 (3) (a), stats. Is this okay?

7. I do not understand your instructions regarding the treatment of school counselors. The bill makes no changes to their treatment under current law. Is this okay?

If you have any questions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

By Tomorrow
NOON

1999 - 2000 LEGISLATURE

LRB-~~4326~~
MDK:cmh:jf

D-NOTE

Ed:
- No changes!

1999 BILL

-2435/2

RM NOT
RUN

refer cat

1 AN ACT *to repeal* 457.01 (4), 457.01 (8) and 457.01 (11); *to renumber* 457.01 (1);

2 *to renumber and amend* 15.405 (7c) (a), 457.03 (2), 457.08 (4) (c), 457.10 (3),

3 457.12 (3) (a), 457.12 (3) (b), 457.15 (1) (d), 457.15 (2) and 457.15 (3); *to amend*

4 15.405 (7c) (d), 15.405 (7c) (e), 15.405 (7c) (f), 146.81 (1) (hg), 252.10 (7), 252.14

5 (1) (ar) 7., 450.10 (3) (a) 10., 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02

6 (1) to (5), 457.03 (1), 457.03 (3), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06

7 (intro.) and (1), 457.08 (title), 457.08 (1) (intro.), 457.08 (1) (b), 457.08 (1) (c),

8 457.08 (2) (intro.), 457.08 (2) (b), 457.08 (2) (c), 457.08 (3) (intro.), 457.08 (3) (b),

9 457.08 (3) (c), 457.08 (3) (d), 457.08 (4) (intro.), 457.08 (4) (b), 457.08 (4) (d),

10 457.09 (title) and (1) (intro.) and (a), 457.09 (1) (c), 457.09 (1) (d), 457.09 (2),

11 457.09 (3), 457.09 (4) (intro.), 457.09 (4m), 457.09 (5), 457.10 (intro.), 457.10 (2)

12 (intro.), 457.10 (2) (b), 457.10 (4), 457.12 (intro.), 457.12 (2), 457.12 (3) (intro.),

13 457.12 (4), 457.13 (title) and (1) (intro.) and (a), 457.13 (1) (d), 457.13 (2), 457.14,

14 457.15 (title), 457.15 (1) (intro.), (a), (b) and (c), 457.16 (1), 457.16 (2), 457.16

BILL

1 (3), 457.20 (1) and (2), 457.20 (3) (b) and (c), 457.20 (4), 457.22, 457.25, 457.26
2 (2) (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (g), 905.04 (1) (bm) and 905.04
3 (1) (dm); **to repeal and recreate** 15.405 (7c) (b), 15.405 (7c) (c) and 457.01 (8m);
4 and **to create** 15.405 (7c) (a) 2., 457.01 (1e), 457.01 (1o), 457.01 (1r), 457.01 (1s),
5 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (2w), 457.02 (6), 457.03 (2) (b),
6 457.03 (4) and (5), 457.03 (6), 457.04 (7), 457.08 (4) (c) 1., 2. and 3., 457.10 (3)
7 (a), (b) and (c), 457.11, 457.12 (3) (a) 1., 2. and 3. and 457.12 (3) (b) 1., 2. and 3.
8 of the statutes; **relating to:** regulating of social workers, advanced practice
9 social workers, independent social workers, clinical social workers, marriage
10 and family therapists, and professional counselors and granting rule-making
11 authority.

Analysis by the Legislative Reference Bureau

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). The examining board consists of a social worker section, a marriage and family therapist section and a professional counselor section. With respect to social work, the examining board grants 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.

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 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 prohibits, with certain exceptions, a person from practicing clinical social work, marriage and family therapy or professional counseling unless he or she is licensed. In addition, the bill prohibits persons who are not licensed under the bill from practicing psychotherapy,

BILL

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.

The eligibility requirements for a 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 for the requirement that an applicant must have two 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: 1) a doctorate degree; 2) a master's degree and five years of clinical practice; or 3) comparable educational or practical experience specified in rules promulgated by the examining board.

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 certified or licensed to use such a title or to engage in such counseling or to use the title "employee assistance counselor" 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 certified or licensed to use such a title. The bill's licensing 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 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 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 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.

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

BILL

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

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. Four:~~

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

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

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

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

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

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

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

BILL

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

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 members 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 to which the problem is of interest.~~

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

24 15.405 (7c) (e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of all both
25 sections of the examining board, a majority of the examining board constitutes a

BILL

1 quorum to do business only if at least 8 members are present at the meeting. At a
2 meeting of a section of the examining board or a joint meeting of ~~2 or more of the~~ both
3 sections of the examining board, each member who is present has one vote, except
4 as provided in par. (f).

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

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

10 **SECTION 8.** 146.81 (1) (hg) of the statutes is amended to read:

11 146.81 (1) (hg) A social worker, marriage and family therapist or professional
12 counselor certified or licensed under ch. 457.

13 **SECTION 9.** 252.10 (7) of the statutes is amended to read:

14 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
15 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
16 and dispensed to patients through the public health dispensaries or through health
17 care providers, as defined in s. 146.81 (1), other than massage therapists or
18 bodyworkers issued a license of registration under subch. x of ch. 440, social workers,
19 marriage and family therapists or professional counselors certified or licensed under
20 ch. 457, speech-language pathologists or audiologists licensed under subch. II of ch.
21 459, speech and language pathologists licensed by the department of public
22 instruction or dietitians certified under subch. V of ch. 448.

23 **SECTION 10.** 252.14 (1) (ar) 7. of the statutes is amended to read:

24 252.14 (1) (ar) 7. A social worker, marriage and family therapist or professional
25 counselor certified or licensed under ch. 457.

BILL

1 **SECTION 11.** 450.10 (3) (a) 10. of the statutes is amended to read:

2 450.10 (3) (a) 10. A social worker, marriage and family therapist or professional
3 counselor certified or licensed under ch. 457.

4 **SECTION 12.** 457.01 (1) of the statutes is renumbered 457.01 (1m).

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

6 457.01 (1e) “Advanced practice social worker” means an individual who holds
7 an advanced practice social worker certificate granted by the certification section.

8 **SECTION 14.** 457.01 (1o) of the statutes is created to read:

9 457.01 (1o) “Certification section” means the certification section of the
10 examining board.

11 **SECTION 15.** 457.01 (1r) of the statutes is created to read:

12 457.01 (1r) “Clinical social work” means providing services without
13 supervision for the diagnosis, treatment and prevention of mental and emotional
14 disorders in individuals, families and groups, to restore, maintain and enhance
15 social functioning through treatment interventions that include psychosocial
16 evaluation, counseling of individuals, families or groups, referral to community
17 resources, advocacy, facilitation of organizational change to meet social needs and
18 individual, marital or group psychotherapy.

19 **SECTION 16.** 457.01 (1s) of the statutes is created to read:

20 457.01 (1s) “Clinical social worker” means an individual who holds a license
21 to practice clinical social work granted by the licensure section.

22 **SECTION 17.** 457.01 (1w) of the statutes is created to read:

23 457.01 (1w) “Credential” means a license, certificate or permit granted under
24 this chapter.

25 **SECTION 18.** 457.01 (2g) of the statutes is created to read:

BILL**SECTION 18**

1 457.01 (2g) “Independent social worker” means an individual who holds an
2 independent social worker certificate granted by the certification section.

3 **SECTION 19.** 457.01 (2r) of the statutes is created to read:

4 457.01 (2r) “Licensee” means a person who is licensed under this chapter.

5 **SECTION 20.** 457.01 (2w) of the statutes is created to read:

6 457.01 (2w) “Licensure section” means the licensure section of the examining
7 board.

8 **SECTION 21.** 457.01 (3) of the statutes is amended to read:

9 457.01 (3) “Marriage and family therapist” means an individual who ~~practices~~
10 holds a license to practice marriage and family therapy granted by the licensure
11 section.

12 **SECTION 22.** 457.01 (4) of the statutes is repealed.

13 **SECTION 23.** 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 licensure section.

16 **SECTION 24.** 457.01 (8) of the statutes is repealed.

17 **SECTION 25.** 457.01 (8m) of the statutes is repealed and recreated to read:

18 457.01 (8m) “Psychotherapy” means the treatment, diagnosis, testing,
19 assessment or counseling in a professional relationship to assist individuals or
20 groups in alleviating mental or emotional disorders, understanding unconscious or
21 conscious motivation, resolving emotional, relationship or attitudinal conflicts or
22 modifying behavior that interferes with effective emotional, social or intellectual
23 functioning.

24 **SECTION 26.** 457.01 (9) of the statutes is amended to read:

BILL

1 457.01 (9) “Social work” means applying psychosocial, ~~psychotherapeutic~~ 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 27.** 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 certification section.

14 **SECTION 28.** 457.01 (11) of the statutes is repealed.

15 **SECTION 29.** 457.02 (1) to (5) of the statutes are amended to read:

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

BILL**SECTION 29**

1 (2) Require any individual who is licensed as a school social worker or school
2 counselor by the department of public instruction to be certified ~~as a social worker~~
3 ~~or professional counselor~~ or licensed under this chapter in order to use the title
4 “school social worker” or “school counselor”.

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

13 (4) Authorize any individual who is certified ~~as a social worker or professional~~
14 ~~counselor~~ or licensed under this chapter to use the title “school social worker” or
15 “school counselor” unless the individual is licensed as a school social worker or school
16 counselor by the department of public instruction.

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

22 **SECTION 30.** 457.02 (6) of the statutes is created to read:

23 457.02 (6) Require a credential for a person to do any of the following:

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

BILL

1 (b) Provide a consultation or demonstration with an individual licensed under
2 this chapter if the person providing the consultation or demonstration is licensed to
3 practice marriage and family therapy, professional counseling or clinical social work
4 in another state or territory of the United States.

5 **SECTION 31.** 457.03 (1) of the statutes is amended to read:

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

14 **SECTION 32.** 457.03 (2) of the statutes is renumbered 457.03 (2) (intro.) and
15 amended to read:

16 457.03 (2) (intro.) ~~Upon the advice of the social worker section, marriage and~~
17 ~~family therapist section and professional counselor section, promulgate~~ Promulgate
18 rules establishing a code of ethics to govern the professional conduct of ~~certificate~~
19 credential holders. The rules shall specify the services included within the practice
20 of social work, advanced practice social work or independent social work that an
21 individual who is certified under this chapter as a social worker, advanced practice
22 social worker, or independent social worker ~~or independent clinical social worker~~ is
23 ~~qualified to~~ may perform and the degree of supervision, if any, required to perform
24 those services. The rules may not permit a ~~certificate~~ credential holder to engage in
25 psychotherapy unless ~~the~~ one of the following applies:

BILL**SECTION 32**

1 (a) ~~The individual is certified licensed under this chapter as an advanced~~
2 ~~practice social worker, independent social worker, independent a clinical social~~
3 ~~worker, marriage and family therapist or professional counselor and has engaged in~~
4 ~~the equivalent of at least 2 years of full-time supervised social work, marriage and~~
5 ~~family therapy or professional counseling clinical practice after receiving the~~
6 ~~master's or doctorate degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or~~
7 ~~457.12 (2).~~

8 **SECTION 33.** 457.03 (2) (b) of the statutes is created to read:

9 457.03 (2) (b) The individual is certified as an advanced practice or
10 independent social worker and the individual engages in psychotherapy only under
11 the supervision of a clinical social worker who is licensed under this chapter.

12 **SECTION 34.** 457.03 (3) of the statutes is amended to read:

13 457.03 (3) ~~Upon the advice of the social worker section, promulgate~~ Promulgate
14 rules establishing levels of advanced social work practice, in addition to the levels
15 of practice for which certificates are granted under s. 457.08 (2) ~~to (4) and (3)~~, and
16 establishing appropriate educational, training, experience, examination and
17 continuing education requirements for certification and renewal of a certificate at
18 each level of practice established in rules promulgated under this subsection.

19 **SECTION 35.** 457.03 (4) and (5) of the statutes are created to read:

20 457.03 (4) Promulgate rules that specify the different levels of psychometric
21 testing that an individual who is certified or licensed under this chapter is qualified
22 to perform. A certificate holder or licensee may not engage in psychometric testing
23 except as provided under the rules promulgated under this subsection.

24 (5) Promulgate rules establishing the educational and practice requirements
25 that are specified in ss. 457.08 (4) (c) 3., 457.10 (3) (c) and 457.12 (3) (a) 3. and (b) 3.

BILL

1 **SECTION 36.** 457.03 (6) of the statutes is created to read:

2 457.03 (6) Study the need to allow other health care professionals to practice
3 psychotherapy. If the examining board determines that there is a need for such
4 authority, the examining board shall submit to the chief clerk of each house of the
5 legislature for distribution to the appropriate standing committees under s. 13.172
6 (3) a report that includes any proposals for legislation.

7 **SECTION 37.** 457.04 (1) to (4) of the statutes are amended to read:

8 457.04 (1) Use Designate himself or herself as a social worker or use or assume
9 the title “social worker” or any other title or designation that represents or may tend
10 to represent the person as a social worker unless the person is certified as a social
11 worker under this chapter.

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

18 (3) Use Designate himself or herself as an independent social worker or use or
19 assume the title “independent social worker” or any other title or designation that
20 represents or may tend to represent the person as an independent social worker
21 unless the person is certified or licensed as an independent social worker or
22 ~~independent~~ clinical social worker under this chapter.

23 (4) Use Practice clinical social work or designate himself or herself as a clinical
24 social worker or use or assume the title “~~independent clinical social worker~~” or
25 “clinical social worker” or any other title or designation that represents or may tend

BILL

1 to represent the person as a clinical social worker unless the person is certified
2 licensed as an independent a clinical social worker under this chapter.

3 **SECTION 38.** 457.04 (5) of the statutes is amended to read:

4 457.04 (5) Use Practice marriage and family therapy or designate himself or
5 herself as a marriage and family therapist or use or assume the title “marriage and
6 family therapist”, “marriage and family counselor” or any similar other title or
7 designation that represents or may tend to represent the person as a marriage and
8 family therapist unless any of the following applies:

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

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

14 **SECTION 39.** 457.04 (6) of the statutes is amended to read:

15 457.04 (6) Use Practice professional counseling or designate himself or herself
16 as a professional counselor or use or assume the title “professional counselor”,
17 “professional rehabilitation counselor”, “vocational rehabilitation counselor” or,
18 “rehabilitation counselor” or any similar other title or designation that represents
19 or may tend to represent the person as a professional counselor unless the person is
20 ~~certified~~ licensed as a professional counselor under this chapter.

21 **SECTION 40.** 457.04 (7) of the statutes is created to read:

22 457.04 (7) Practice psychotherapy unless the person is licensed under this
23 chapter or unless the person is a certificate holder who may practice psychotherapy
24 under the rules promulgated under s. 457.03 (2) (b).

25 **SECTION 41.** 457.06 (intro.) and (1) of the statutes are amended to read:

BILL

1 **457.06 General requirements for certification or licensure.** (intro.) The
2 ~~social worker section, marriage and family therapist section or professional~~
3 ~~counselor~~ certification or licensure section may not grant any certificate or license
4 under this chapter unless 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 42.** 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 43.** 457.08 (1) (intro.) of the statutes is amended to read:

11 457.08 (1) SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~ certification
12 section shall grant a social worker certificate to an individual who qualifies under
13 s. 457.09 (5) (d) or to any individual who does all of the following:

14 **SECTION 44.** 457.08 (1) (b) of the statutes is amended to read:

15 457.08 (1) (b) Submits evidence satisfactory to the ~~social worker~~ certification
16 section that he or she has received a bachelor's or master's degree in social work from
17 a program accredited by, or a preaccreditation program of, the council on social work
18 education or a doctorate degree in social work.

19 **SECTION 45.** 457.08 (1) (c) of the statutes is amended to read:

20 457.08 (1) (c) Passes an examination approved by the ~~social worker~~
21 certification section to determine minimum competence to practice as a social worker
22 as specified in the rules promulgated under s. 457.03 (2).

23 **SECTION 46.** 457.08 (2) (intro.) of the statutes is amended to read:

24 457.08 (2) ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE. (intro.) The ~~social~~
25 ~~worker~~ certification section shall grant an advanced practice social worker

BILL

1 certificate to any individual who is certified under sub. (1) and does all of the
2 following:

3 **SECTION 47.** 457.08 (2) (b) of the statutes is amended to read:

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

8 **SECTION 48.** 457.08 (2) (c) of the statutes is amended to read:

9 457.08 (2) (c) Passes an examination approved by the ~~social worker~~
10 certification section to determine minimum competence to practice as an advanced
11 practice social worker as specified in the rules promulgated under s. 457.03 (2).

12 **SECTION 49.** 457.08 (3) (intro.) of the statutes is amended to read:

13 457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~
14 certification section shall grant an independent social worker certificate to any
15 individual who is certified under sub. (1) and does all of the following:

16 **SECTION 50.** 457.08 (3) (b) of the statutes is amended to read:

17 457.08 (3) (b) Submits evidence satisfactory to the ~~social worker~~ certification
18 section that he or she has received a master's degree in social work from a program
19 accredited by, or a preaccreditation program of, the council on social work education
20 or a doctorate degree in social work.

21 **SECTION 51.** 457.08 (3) (c) of the statutes is amended to read:

22 457.08 (3) (c) Submits evidence satisfactory to the ~~social worker~~ certification
23 section that after receiving a master's or doctorate degree in social work he or she has
24 engaged in the equivalent of at least 2 years of full-time supervised social work
25 practice approved by the ~~social worker~~ certification section.

BILL

1 **SECTION 52.** 457.08 (3) (d) of the statutes is amended to read:

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

7 **SECTION 53.** 457.08 (4) (intro.) of the statutes is amended to read:

8 457.08 (4) ~~INDEPENDENT CLINICAL~~ CLINICAL SOCIAL WORKER CERTIFICATE LICENSE.
9 (intro.) The ~~social worker licensure~~ section shall grant an ~~independent a~~ clinical
10 social worker ~~certificate~~ license to any individual who is certified under sub. (1) and
11 does all of the following:

12 **SECTION 54.** 457.08 (4) (b) of the statutes is amended to read:

13 457.08 (4) (b) Submits evidence satisfactory to the ~~social worker~~ licensure
14 section that he or she has received a master's degree in social work from a program
15 accredited by, or a preaccreditation program of, the council on social work education
16 or a doctorate degree in social work and, as part of the master's or doctorate degree
17 program, had a clinical social work concentration and completed supervised clinical
18 field training.

19 **SECTION 55.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)
20 and amended to read:

21 457.08 (4) (c) (intro.) Submits evidence satisfactory to the ~~social worker~~
22 licensure section that after receiving a master's or doctorate degree in social work he
23 or she has engaged in the equivalent of at least 2 years of full-time supervised
24 clinical social work practice ~~approved by the social worker section.~~ supervised by one
25 of the following:

BILL

1 **SECTION 56.** 457.08 (4) (c) 1., 2. and 3. of the statutes are created to read:

2 457.08 (4) (c) 1. An individual licensed as a clinical social worker who has
3 received a doctorate degree in social work.

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

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

9 **SECTION 57.** 457.08 (4) (d) of the statutes is amended to read:

10 457.08 (4) (d) Passes an examination approved by the ~~social worker licensure~~
11 section to determine minimum competence to practice as ~~an independent a~~ clinical
12 social worker as specified in the rules promulgated under s. 457.03 (2) or passes ~~an~~
13 ~~advanced a~~ clinical social work examination approved by the ~~social worker licensure~~
14 section.

15 **SECTION 58.** 457.09 (title) and (1) (intro.) and (a) of the statutes are amended
16 to read:

17 **457.09 (title) Social worker training certificate permit.** (1) (intro.) The
18 ~~social worker certification~~ section shall grant a social worker training ~~certificate~~
19 permit to any individual who does all of the following:

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

22 **SECTION 59.** 457.09 (1) (c) of the statutes is amended to read:

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

BILL

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

3 **SECTION 60.** 457.09 (1) (d) of the statutes is amended to read:

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

7 **SECTION 61.** 457.09 (2) of the statutes is amended to read:

8 457.09 (2) (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training
9 ~~certificate~~ permit authorizes the holder to use the title specified in s. 457.04 (1)
10 during the period in which the ~~certificate~~ permit is valid.

11 (b) A social worker training ~~certificate~~ permit holder is a social worker certified
12 under this chapter for purposes of any law governing social workers certified under
13 this chapter.

14 **SECTION 62.** 457.09 (3) of the statutes is amended to read:

15 457.09 (3) (a) Except as provided in par. (b), a social worker training ~~certificate~~
16 permit is valid for 24 months.

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

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

22 **SECTION 63.** 457.09 (4) (intro.) of the statutes is amended to read:

23 457.09 (4) (intro.) *During the period in which a social worker training*
24 ~~certificate~~ permit is valid, the ~~certificate~~ permit holder shall do all of the following:

25 **SECTION 64.** 457.09 (4m) of the statutes is amended to read:

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1 457.09 (4m) (a) The ~~social worker certification~~ section shall determine whether
2 a course, internship or employment satisfies the requirements under sub. (4) and
3 whether a social worker training ~~certificate~~ permit holder has attained social worker
4 degree equivalency.

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

12 **SECTION 65.** 457.09 (5) of the statutes is amended to read:

13 457.09 (5) (a) A social worker training ~~certificate~~ permit holder may take the
14 national social work examination at any time after he or she completes the
15 requirements under sub. (4).

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

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

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1 (d) The ~~social worker certification~~ section shall grant a social worker certificate
2 to an individual who has held a social worker training ~~certificate~~ permit and who
3 passes the examinations specified under pars. (a) and (b).

4 **SECTION 66.** 457.10 (intro.) of the statutes is amended to read:

5 **457.10 Marriage and family therapist ~~certificate~~ license.** (intro.) The
6 ~~marriage and family therapist licensure~~ section shall grant a marriage and family
7 therapist ~~certificate~~ license to any individual who does all of the following:

8 **SECTION 67.** 457.10 (2) (intro.) of the statutes is amended to read:

9 457.10 (2) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
10 ~~therapist licensure~~ section that he or she has done any of the following:

11 **SECTION 68.** 457.10 (2) (b) of the statutes is amended to read:

12 457.10 (2) (b) Received a master's or doctorate degree in marriage and family
13 therapy, psychology, sociology, social work, professional counseling or other mental
14 health field that included course work that the ~~marriage and family therapist~~
15 licensure section determines is substantially equivalent to the course work required
16 for a master's or doctorate degree in marriage and family therapy described under
17 par. (a).

18 **SECTION 69.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and
19 amended to read:

20 457.10 (3) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
21 ~~therapist licensure~~ section that after receiving a master's or doctorate degree
22 required under sub. (2) he or she has engaged in the equivalent of at least 2 years of
23 full-time ~~supervised clinical marriage and family therapy practice approved by the~~
24 ~~marriage and family therapist section.~~ supervised by one of the following:

25 **SECTION 70.** 457.10 (3) (a), (b) and (c) of the statutes are created to read:

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1 457.10 (3) (a) An individual licensed as a marriage and family therapist who
2 has received a doctorate degree in marriage and family therapy.

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

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

9 **SECTION 71.** 457.10 (4) of the statutes is amended to read:

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

13 **SECTION 72.** 457.11 of the statutes is created to read:

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

17 (a) *Submits an application for the permit to the department on a form provided*
18 *by the department.*

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

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

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

BILL

1 receive training and supervision equivalent to the training and supervision received
2 in a full-time supervised clinical marriage and family therapist practice.

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

9 **SECTION 73.** 457.12 (intro.) of the statutes is amended to read:

10 **457.12 Professional counselor ~~certificate~~ license.** (intro.) The
11 ~~professional counselor licensure~~ section shall grant a professional counselor
12 ~~certificate license~~ license to any individual who does all of the following:

13 **SECTION 74.** 457.12 (2) of the statutes is amended to read:

14 457.12 (2) Submits evidence satisfactory to the ~~professional counselor~~
15 licensure section that he or she has received a master's or doctorate degree in
16 professional counseling or its equivalent from a program approved by the
17 ~~professional counselor licensure~~ licensure section.

18 **SECTION 75.** 457.12 (3) (intro.) of the statutes is amended to read:

19 457.12 (3) (intro.) Submits evidence satisfactory to the ~~professional counselor~~
20 licensure section that he or she has done any of the following:

21 **SECTION 76.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)
22 and amended to read:

23 457.12 (3) (a) (intro.) After receiving a master's degree in professional
24 counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time

BILL

1 ~~supervised clinical professional counseling practice approved by the professional~~
2 ~~counselor section. supervised by one of the following:~~

3 **SECTION 77.** 457.12 (3) (a) 1., 2. and 3. of the statutes are created to read:

4 457.12 (3) (a) 1. An individual licensed as a professional counselor who has
5 received a doctorate degree in professional counseling.

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

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

11 **SECTION 78.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) intro.)
12 and amended to read:

13 457.12 (3) (b) (intro.) After receiving a doctorate degree in professional
14 counseling or its equivalent, engaged in the equivalent of at least one year of
15 full-time supervised clinical professional counseling practice approved by the
16 professional counselor section. supervised by one of the following:

17 **SECTION 79.** 457.12 (3) (b) 1., 2. and 3. of the statutes are created to read:

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

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

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

25 **SECTION 80.** 457.12 (4) of the statutes is amended to read:

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1 457.12 (4) Passes an examination approved by the ~~professional counselor~~
2 licensure section to determine minimum competence to practice professional
3 counseling.

4 **SECTION 81.** 457.13 (title) and (1) (intro.) and (a) of the statutes are amended
5 to read:

6 **457.13 (title) Professional counselor training ~~certificate~~ permit.** (1)
7 (intro.) The ~~professional counselor~~ licensure section shall grant a professional
8 counselor training ~~certificate~~ permit to any individual who does all of the following:

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

11 **SECTION 82.** 457.13 (1) (d) of the statutes is amended to read:

12 457.13 (1) (d) Submits evidence satisfactory to the ~~professional counselor~~
13 licensure section that he or she is employed full-time, or has an offer of full-time
14 employment, as a professional counselor in a supervised clinical professional
15 counseling practice or in a position in which the applicant will, in the opinion of the
16 ~~professional counselor~~ licensure section, receive training and supervision equivalent
17 to the training and supervision received in a full-time supervised clinical
18 professional counseling practice.

19 **SECTION 83.** 457.13 (2) of the statutes is amended to read:

20 457.13 (2) A professional counselor training ~~certificate~~ permit is valid for 24
21 months or until the date on which the holder of the ~~certificate~~ permit ceases to be
22 employed in a position specified in sub. (1) (d), whichever occurs first, and may not
23 be renewed by the ~~professional counselor~~ licensure section. ~~-A- Notwithstanding s.~~
24 457.04 (6), a professional counselor training ~~certificate~~ permit authorizes the holder
25 to use any title specified in s. 457.04 (6) and to practice professional counseling

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1 within the scope of his or her training or supervision during the period in which the
2 certificate permit is valid.

3 **SECTION 84.** 457.14 of the statutes is amended to read:

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

16 **SECTION 85.** 457.15 (title) of the statutes is amended to read:

17 **457.15 (title) Reciprocal certificates and licenses.**

18 **SECTION 86.** 457.15 (1) (intro.), (a), (b) and (c) of the statutes are amended to
19 read:

20 457.15 (1) (intro.) Upon application and payment of the fee specified in s.
21 440.05 (2), the ~~social worker certification~~ section shall do all of the following:

22 (a) Grant a social worker certificate to any individual who holds a similar
23 certificate in another state or territory of the United States if the ~~social worker~~
24 ~~certification~~ section determines that the requirements for obtaining the certificate

BILL

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

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

9 (c) Grant an independent social worker certificate to any individual who is
10 certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in
11 another state or territory of the United States if the ~~social worker~~ certification
12 section determines that the requirements for obtaining the certificate in the other
13 state or territory are substantially equivalent to the requirements under s. 457.08
14 (3).

15 **SECTION 87.** 457.15 (1) (d) of the statutes is renumbered 457.15 (2) (a) and
16 amended to read:

17 457.15 (2) (a) Grant ~~an independent~~ a clinical social worker certificate to any
18 individual who is certified under ~~par. sub. (1)~~ (a) or under s. 457.08 (1) and who holds
19 a similar certificate in another state or territory of the United States if the ~~social~~
20 ~~worker~~ licensure section determines that the requirements for obtaining the
21 certificate in the other state or territory are substantially equivalent to the
22 requirements under s. 457.08 (4).

23 **SECTION 88.** 457.15 (2) of the statutes is renumbered 457.15 (2) (intro.) and
24 amended to read:

BILL

1 457.15 (2) (intro.) Upon application and payment of the fee specified in s.
2 440.05 (2), the ~~marriage and family therapist licensure~~ section shall ~~grant~~ do all of
3 the following:

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

9 **SECTION 89.** 457.15 (3) of the statutes is renumbered 457.15 (2) (c) and
10 amended to read:

11 457.15 (2) (c) ~~Upon application and payment of the fee specified in s. 440.05 (2),~~
12 ~~the professional counselor section shall grant~~ Grant a professional counselor
13 certificate to any individual who holds a similar certificate in another state or
14 territory of the United States if the ~~professional counselor~~ licensure section
15 determines that the requirements for obtaining the certificate in the other state or
16 territory are substantially equivalent to the requirements under s. 457.12.

17 **SECTION 90.** 457.16 (1) of the statutes is amended to read:

18 457.16 (1) The appropriate section of the examining board shall arrange for
19 examinations for social worker, advanced practice social worker, independent social
20 worker, ~~independent~~ clinical social worker, marriage and family therapist and
21 professional counselor certification and licensure to be conducted at least
22 semiannually and at times and places determined by that section of the examining
23 board, and shall provide public notice of each examination at least 90 days before the
24 date of the examination.

25 **SECTION 91.** 457.16 (2) of the statutes is amended to read:

BILL

1 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
2 applicants to demonstrate minimum competency in subjects substantially related to
3 the practice of social work, advanced practice social work, independent social work,
4 clinical social work, marriage and family therapy or professional counseling, as
5 appropriate.

6 **SECTION 92.** 457.16 (3) of the statutes is amended to read:

7 457.16 (3) An individual is not eligible for examination unless he or she
8 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),
9 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
10 to (3) or 457.12 (1) to (3) and, at least 30 days before the date of the examination,
11 submits an application for examination to the department on a form provided by the
12 department and pays the fee specified in s. 440.05 (1).

13 **SECTION 93.** 457.20 (1) and (2) of the statutes are amended to read:

14 457.20 (1) The department shall issue a certificate of certification or licensure
15 to each individual who is certified or licensed under this chapter.

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

19 **SECTION 94.** 457.20 (3) (b) and (c) of the statutes are amended to read:

20 457.20 (3) (b) ~~Proof~~ If the application is for renewal of a certificate of
21 certification, proof of completion of continuing education requirements in s. 457.22.

22 (c) If the application is for renewal of a professional counselor certificate license
23 that was originally granted as a professional counselor certificate under 1991
24 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional
25 counselor licensure section that the applicant continues to be employed by a federal,

BILL

1 state or local governmental agency as a professional counselor, professional
2 rehabilitation counselor, vocational rehabilitation counselor or rehabilitation
3 counselor.

4 **SECTION 95.** 457.20 (4) of the statutes is amended to read:

5 457.20 (4) Renewal of an advanced practice social worker, independent social
6 worker or ~~independent clinical social worker certificate~~ or license automatically
7 renews the individual's social worker certificate without payment of the renewal fee
8 for the social worker certificate or completion of the continuing education
9 requirements that would otherwise be required for renewal of a social worker
10 certificate.

11 **SECTION 96.** 457.22 of the statutes is amended to read:

12 **457.22 Continuing education.** The examining board may promulgate rules
13 establishing requirements and procedures for certificate holders, but not for
14 licensees, to complete continuing education programs or courses of study in order to
15 qualify for renewal. The rules may not require an individual to complete more than
16 30 hours of continuing education programs or courses of study in order to qualify for
17 renewal. The ~~appropriate~~ certification section of the examining board may waive all
18 or part of the requirements established in rules promulgated under this section if it
19 determines that prolonged illness, disability or other exceptional circumstances
20 have prevented the individual from completing the requirements.

21 **SECTION 97.** 457.25 of the statutes is amended to read:

22 **457.25 Reporting requirements.** (1) Any public or private mental health
23 or health care agency, institution or facility, or any other person or entity that
24 employs or contracts for services with a ~~certificate~~ credential holder, that terminates,
25 suspends or restricts the employment or contract of the ~~certificate~~ credential holder

BILL

1 as a result of adverse or disciplinary action against the ~~certificate~~ credential holder
2 relating to his or her practice of social work, advanced practice social work,
3 independent social work, clinical social work, marriage and family therapy or
4 professional counseling shall submit a written report of the action to the appropriate
5 section of the examining board within 30 days after the date on which the action is
6 taken or, if grounds for such an action exist and the ~~certificate~~ credential holder
7 terminates his or her employment before the action is taken, within 30 days after the
8 date on which the ~~certificate~~ credential holder terminates his or her employment.

9 (2) Any state or local professional society or organization of social workers,
10 marriage and family therapists or professional counselors that terminates, revokes
11 or suspends the membership of a ~~certificate~~ credential holder, or takes any other
12 adverse or disciplinary action against a ~~certificate~~ credential holder relating to his
13 or her practice of social work, advanced practice social work, independent social
14 work, clinical social work, marriage and family therapy or professional counseling,
15 shall submit a written report of the action to the appropriate section of the examining
16 board within 30 days after the date on which the action is taken or, if grounds for such
17 an action exist and the ~~certificate~~ credential holder terminates his or her
18 membership before the action is taken, within 30 days after the date on which the
19 ~~certificate~~ credential holder terminates his or her membership.

20 (3) Any insurer, as defined in s. 600.03 (27), who provides professional liability
21 insurance coverage for a ~~certificate~~ credential holder and who pays a claim for
22 damages arising out of the rendering of services by the ~~certificate~~ credential holder
23 or obtains any information that tends to substantiate a charge that the ~~certificate~~
24 credential holder has engaged in conduct that constitutes grounds for discipline
25 under s. 457.26 shall submit a written report of the payment or information to the

BILL**SECTION 97**

1 appropriate section of the examining board within 30 days after the date on which
2 the payment is made or information is obtained.

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

10 (5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3) or (4), the
11 appropriate section of the examining board shall notify the ~~certificate~~ credential
12 holder, in writing, of the substance of the report. The ~~certificate~~ credential holder
13 and ~~the certificate holder's~~ his or her authorized representative may examine the
14 report and may place into the record a statement, of reasonable length, of the
15 ~~certificate~~ credential holder's view of the correctness or relevance of any information
16 in the report. The ~~certificate~~ credential holder may institute an action in circuit court
17 to amend or expunge any part of ~~the certificate holder's~~ his or her record related to
18 the report.

19 (b) If the appropriate section of the examining board determines that a report
20 submitted under sub. (1), (2), (3) or (4) is without merit or that the ~~certificate~~
21 credential holder has sufficiently improved his or her conduct, that section of the
22 *examining board shall remove the report from the* ~~certificate holder's~~ his or her
23 record. If no report about a ~~certificate~~ credential holder is filed under sub. (1), (2),
24 (3) or (4) for 2 consecutive years, the ~~certificate~~ credential holder may petition the

BILL

1 appropriate section of the examining board to remove any prior reports, which did
2 not result in disciplinary action, from his or her record.

3 **SECTION 98.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

4 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
5 appropriate section of the examining board may reprimand a ~~certificate~~ credential
6 holder or deny, limit, suspend or revoke a ~~certificate~~ credential under this chapter
7 if it finds that the applicant ~~or certificate~~ credential holder has done any of the
8 following:

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

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

15 **SECTION 99.** 457.26 (2) (e) of the statutes is amended to read:

16 457.26 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced social work,
17 advanced practice social work, independent social work, clinical social work,
18 marriage and family therapy or professional counseling while his or her ability to
19 practice was impaired by alcohol or other drugs.

20 **SECTION 100.** 457.26 (2) (g) of the statutes is amended to read:

21 457.26 (2) (g) Performed social work, advanced practice social work,
22 independent social work or clinical social work services in violation of the rules
23 promulgated under s. 457.03 (2) or otherwise engaged in conduct while practicing
24 social work, advanced practice social work, independent social work, clinical social

BILL

1 work, marriage and family therapy or professional counseling which evidences a lack
2 of knowledge or ability to apply professional principles or skills.

3 **SECTION 101.** 905.04 (1) (bm) of the statutes is amended to read:

4 905.04 (1) (bm) “Marriage and family therapist” means an individual who is
5 ~~certified~~ licensed as a marriage and family therapist under ch. 457 or an individual
6 reasonably believed by the patient to be a marriage and family therapist.

7 **SECTION 102.** 905.04 (1) (dm) of the statutes is amended to read:

8 905.04 (1) (dm) “Professional counselor” means an individual who is ~~certified~~
9 licensed as a professional counselor under ch. 457 or an individual reasonably
10 believed by the patient to be a professional counselor.

11 **SECTION 103. Nonstatutory provisions.**

12 (1) DEFINITIONS. In this SECTION:

13 (a) “Department” means the department of regulation and licensing.

14 (b) “Examining board” means the examining board of social workers, marriage
15 and family therapists and professional counselors.

16 (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a), (am)
17 and (b) of the statutes, as affected by this act:

18 (a) A member of the examining board who was appointed on or before the
19 effective date of this paragraph may continue to serve as a member of the examining
20 board until the end of his or her appointed term, except for a member whose
21 appointed term expires on or before January 1, 2002.

22 (b) The secretary of the department shall assign the public members of the
23 examining board who were appointed on or before the effective date of this paragraph
24 for terms that expire after January 1, 2002, to serve on either the certification or the
25 licensure section of the examining board.

BILL

1 (3) TRANSITIONAL PROVISIONS.

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

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

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

24 3. The licensure section of the examining board shall grant a marriage and
25 family therapist license under section 457.10 of the statutes, as affected by this act,

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1 to any person who holds a valid marriage and family therapist certificate that was
2 granted by the marriage and family therapy section of the examining board before
3 the effective date of this subdivision.

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

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

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

BILL

1 pursuant to this subdivision is valid only for the period of time designated by the
2 section of the examining board for the temporary certificate granted to the person.
3 If the temporary certificate was renewed once by the section, the temporary license
4 may not be renewed.

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

11 (b) *Duty of department.* The department shall issue a certificate of licensure
12 under section 457.20 (1) of the statutes, as affected by this act, to any person who is
13 granted a license under paragraph (a).

14 **SECTION 104. Effective date.**

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

17

(END)

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

LRB-0822/2dn
MDK:cmh:jf

April 21, 1999

identical to

LRB-0822/2 and
is

- 2435/2dn

Senator Grobschmidt

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 the certification section of the examining board. Are these provisions okay?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

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

LRB-2435/2dn
MDK:cmh:km

April 21, 1999

Senator Grobschmidt:

This version is identical to LRB-0822/2 and 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 the certification section of the examining board. Are these provisions okay?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

TO: Mark Kunkel
FROM: Dismas Becker
RE: Draft 2435/2

section - advise
call John (Grobschmidt)

#5. That is fine. You should not include the names of actual consumer groups. However, keep the number of public members the same, that is three. The social worker public member can serve on both sections.

Page 4, line 13 thru 15 change the public members back to three and have the public member representing the social workers participate in the certification section only and no public member for the clinical social workers in the licensure section. That leaves the numbers the same.

Page 6, line 6 thru 9, if we keep the public members at three as indicated above, and give the clinical social workers 2 non-public members, the marriage and family therapists 2 non-public members and the professional counselors 2 non-public members each of these should have one vote but the three non-public members in the certification section should have 2/3 votes.

3 6
3

Page 8, Line 9 after 457.01(3) "insert, Clinical. It should read "Clinical marriage and family therapist" means etc.

Page 8, Line 14 after 457.01 (7) "insert, Clinical. It should read "Clinical professional counselor" means etc.

Page 11, Line 6 and 7, after 457.03 (1) delete Promulgate and insert Upon the advice of the members representing the scope of practice of social workers, clinical marriage and family therapist and clinical professional counselor, promulgate. We do not want the licensure section promulgating these rules unless they are acting on the advice of those representing the different scopes of practice.

Page 11, Line 16 and 17 make the same change as in the above page 11, line 6 and 7.

Page 12, line 3 insert after the comma and before marriage clinical and after the word, or, and before professional insert clinical.

Page 12, line 13 I think this should read Upon the advice of the certification section, promulgate...

Page 14, line 4 after Practice insert clinical.

Page 14, line 5 after herself as a insert clinical.

Page 14, line 7 after the person as a insert clinical.

Page 14, line 9 after as a insert clinical.

Page 14, line 15 after Practice insert clinical.

Page 14, line 16 after as a insert clinical.

Page 14, line 19 after person as a insert clinical.

Page 14, line 20 after licensed as a, insert clinical.

Insert clinical before all other references to licensed marriage and family therapist and professional counselors. Also John from Sen. Grobschmidt's office has some grammatical errors that he found. He should be contacting you.

D-NOTE

1999 BILL

*By
Tuesday 5/18
3:00pm*

3

*RM NOT
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cat*

1 **AN ACT to repeal** 457.01 (4), 457.01 (8) and 457.01 (11); **to renumber** 457.01 (1);

2 **to renumber and amend** 15.405 (7c) (a), 457.03 (2), 457.08 (4) (c), 457.10 (3),

3 457.12 (3) (a), 457.12 (3) (b), 457.15 (1) (d), 457.15 (2) and 457.15 (3); **to amend**

4 15.405 (7c) (d), 15.405 (7c) (e), 15.405 (7c) (f), 146.81 (1) (hg), 252.10 (7), 252.14

5 (1) (ar) 7., 450.10 (3) (a) 10., 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02

6 (1) to (5), 457.03 (1), 457.03 (3), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06

7 (intro.) and (1), 457.08 (title), 457.08 (1) (intro.), 457.08 (1) (b), 457.08 (1) (c),

8 457.08 (2) (intro.), 457.08 (2) (b), 457.08 (2) (c), 457.08 (3) (intro.), 457.08 (3) (b),

9 457.08 (3) (c), 457.08 (3) (d), 457.08 (4) (intro.), 457.08 (4) (b), 457.08 (4) (d),

10 457.09 (title) and (1) (intro.) and (a), 457.09 (1) (c), 457.09 (1) (d), 457.09 (2),

11 457.09 (3), 457.09 (4) (intro.), 457.09 (4m), 457.09 (5), 457.10 (intro.), 457.10 (2)

12 (intro.), 457.10 (2) (b), 457.10 (4), 457.12 (intro.), 457.12 (2), 457.12 (3) (intro.),

13 457.12 (4), 457.13 (title) and (1) (intro.) and (a), 457.13 (1) (d), 457.13 (2), 457.14,

14 457.15 (title), 457.15 (1) (intro.), (a), (b) and (c), 457.16 (1), 457.16 (2), 457.16

BILL

1 (3), 457.20 (1) and (2), 457.20 (3) (b) and (c), 457.20 (4), 457.22, 457.25, 457.26
 2 (2) (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (g), 905.04 (1) (bm) and 905.04
 3 (1) (dm); **to repeal and recreate** 15.405 (7c) (b), 15.405 (7c) (c) and 457.01 (8m);
 4 and **to create** 15.405 (7c) (a) 2., 457.01 (1e), 457.01 (1o), 457.01 (1r), 457.01 (1s),
 5 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (2w), 457.02 (6), 457.03 (2) (b),
 6 457.03 (4) and (5), 457.03 (6), 457.04 (7), 457.08 (4) (c) 1., 2. and 3., 457.10 (3)
 7 (a), (b) and (c), 457.11, 457.12 (3) (a) 1., 2. and 3. and 457.12 (3) (b) 1., 2. and 3.
 8 of the statutes; **relating to:** regulating of social workers, advanced practice
 9 social workers, independent social workers, clinical social workers, marriage
 10 and family therapists, and professional counselors and granting rule-making
 11 authority.

Analysis by the Legislative Reference Bureau

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). The examining board consists of a social worker section, a marriage and family therapist section and a professional counselor section. With respect to social work, the examining board grants 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.

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 changes the titles "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~~ prohibits, with certain exceptions, a person from practicing clinical social work, marriage and family therapy or professional counseling unless he or she is licensed. In addition, the bill prohibits persons who are not licensed under the bill from practicing psychotherapy,

INSERT A1

INSERT
A2

INSERT AB

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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.

The eligibility requirements for a 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 for the requirement that an applicant must have two 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: 1) a doctorate degree; 2) a master's degree and five years of clinical practice; or 3) comparable educational or practical experience specified in rules promulgated by the examining board.

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 certified or licensed to use such a title or to engage in such counseling or to use the title "employee assistance counselor" 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 certified or licensed to use such a title. The bill's licensing 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 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 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 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.

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

clinical
INSERT A4

BILL

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

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

INSERT 4-1

1 SECTION 1. 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)
2 and amended to read:

INSERT 4-2

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. ~~Four:~~

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

9 3. Two ^{clinical} marriage and family therapists. ~~Three~~ therapist members shall be
10 certified under ch. 457 as who are licensed under ch. 457.

11 4. Two ^{clinical} professional counselors. ~~Three~~ members shall be counselor members
12 who are licensed under ch. 457.

13 5. ~~Four~~ ^{Three} public members. ~~Of the 4 certified social worker members, one shall~~
14 ~~be who represent groups that promote the interests of consumers of services provided~~
15 ~~persons who are certified or licensed under ch. 457.~~ ^{by}

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

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

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

BILL

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

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 members 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 ~~the~~
12 public members of the examining board. INSECT 5-12

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 these sections to which the problem is of interest.~~

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

24 15.405 (7c) (e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of all both
25 sections of the examining board, a majority of the examining board constitutes a

BILL

INSERT 6-9

1 quorum to do business only if at least 8 members are present at the meeting. At a
2 meeting of a section of the examining board or a joint meeting of 2 or more of the both
3 sections of the examining board, each member who is present has one vote, except
4 as provided in par. (f).

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

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

10 SECTION 8. 146.81 (1) (hg) of the statutes is amended to read:

11 146.81 (1) (hg) A social worker, ^{clinical} marriage and family therapist or ^{clinical} professional
12 counselor certified or licensed under ch. 457.

13 SECTION 9. 252.10 (7) of the statutes is amended to read:

14 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
15 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
16 and dispensed to patients through the public health dispensaries or through health
17 care providers, as defined in s. 146.81 (1), other than massage therapists or
18 bodyworkers issued a license of registration under subch. x of ch. 440, social workers,
19 ^{clinical} marriage and family therapists or ^{clinical} professional counselors certified or licensed under
20 ch. 457, speech-language pathologists or audiologists licensed under subch. II of ch.
21 459, speech and language pathologists licensed by the department of public
22 instruction or dietitians certified under subch. V of ch. 448.

23 SECTION 10. 252.14 (1) (ar) 7. of the statutes is amended to read:

24 252.14 (1) (ar) 7. A social worker, ^{clinical} marriage and family therapist or ^{clinical} professional
25 counselor certified or licensed under ch. 457.

INSERT 6-25

BILL

INSEAT 7-3

1 SECTION 11. 450.10 (3) (a) 10. of the statutes is amended to read:

2 450.10 (3) (a) 10. A social worker ^{clinical} marriage and family therapist or ^{clinical} professional
3 counselor certified or licensed under ch. 457.

4 SECTION 12. 457.01 (1) of the statutes is renumbered 457.01 (1m).

5 SECTION 13. 457.01 (1e) of the statutes is created to read:

6 457.01 (1e) "Advanced practice social worker" means an individual who holds
7 an advanced practice social worker certificate granted by the certification section.

8 SECTION 14. 457.01 (1o) of the statutes is created to read:

9 457.01 (1o) "Certification section" means the certification section of the
10 examining board.

11 SECTION 15. 457.01 (1r) of the statutes is created to read:

12 457.01 (1r) "Clinical social work" means providing services without
13 supervision for the diagnosis, treatment and prevention of mental and emotional
14 disorders in individuals, families and groups, to restore, maintain and enhance
15 social functioning through treatment interventions that include psychosocial
16 evaluation, counseling of individuals, families or groups, referral to community
17 resources, advocacy, facilitation of organizational change to meet social needs and
18 individual, marital or group psychotherapy.

19 SECTION 16. 457.01 (1s) of the statutes is created to read:

20 457.01 (1s) "Clinical social worker" means an individual who holds a license
21 to practice clinical social work granted by the licensure section.

22 SECTION 17. 457.01 (1w) of the statutes is created to read:

23 457.01 (1w) "Credential" means a license, certificate or permit granted under
24 this chapter.

25 SECTION 18. 457.01 (2g) of the statutes is created to read:

INSEAT 7-24

BILL

1 457.01 (2g) "Independent social worker" means an individual who holds an
2 independent social worker certificate granted by the certification section.

3 SECTION 19. 457.01 (2r) of the statutes is created to read:

4 457.01 (2r) "Licensee" means a person who is licensed under this chapter.

5 SECTION 20. 457.01 (2w) of the statutes is created to read:

6 457.01 (2w) "Licensure section" means the licensure section of the examining
7 board.

W.P.D. please fix component
9

B
(1p)

(renumbered 457.01 (1p) and

Clinical marriage

8 SECTION 21. 457.01 (3) of the statutes is amended to read:

9 457.01 (3) "Marriage and family therapist" means an individual who practices
10 holds a license to practice marriage and family therapy granted by the licensure
11 section.

(1q)

(renumbered 457.01 (1q) and

Clinical professional

12 SECTION 22. 457.01 (4) of the statutes is repealed.

13 SECTION 23. 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 licensure section.

W.P.D. please fix component
13
14

16 SECTION 24. 457.01 (8) of the statutes is repealed.

17 SECTION 25. 457.01 (8m) of the statutes is repealed and recreated to read:

18 457.01 (8m) "Psychotherapy" means the treatment, diagnosis, testing,
19 assessment or counseling in a professional relationship to assist individuals or
20 groups in alleviating mental or emotional disorders, understanding unconscious or
21 conscious motivation, resolving emotional, relationship or attitudinal conflicts or
22 modifying behavior that interferes with effective emotional, social or intellectual
23 functioning.

24 SECTION 26. 457.01 (9) of the statutes is amended to read:

BILL

1 457.01 (9) “Social work” means applying psychosocial, ~~psychotherapeutic~~ 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 27.** 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 certification section.

14 **SECTION 28.** 457.01 (11) of the statutes is repealed.

15 **SECTION 29.** 457.02 (1) to (5) of the statutes are amended to read:

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

BILL

1 (2) Require any individual who is licensed as a school social worker or school
 2 counselor by the department of public instruction to be certified ~~as a social worker~~
 3 ~~or professional counselor~~ or licensed under this chapter in order to use the title
 4 “school social worker” or “school counselor”. INSERT 10-8.1

5 (3) Require a person who is licensed as a psychologist under ch. 455 or who is
 6 a psychiatrist, as defined in s. 146.34 (1) (h), to be certified ~~as a marriage and family~~
 7 ~~therapist or professional counselor~~ licensed under this chapter in order to use the
 8 title “marriage and family therapist”, “marriage and family counselor” or INSERT 10-8.2
 9 “professional counselor” if the psychologist or psychiatrist does not use the term
 10 “licensed”, “certified” or “registered” or any similar term in connection with the title
 11 INSERT 10-11.1 “marriage and family therapist”, “marriage and family counselor” or INSERT 10-11.2 “professional
 12 counselor”.

13 (4) Authorize any individual who is certified ~~as a social worker or professional~~
 14 ~~counselor~~ or licensed under this chapter to use the title “school social worker” or
 15 “school counselor” unless the individual is licensed as a school social worker or school
 16 counselor by the department of public instruction.

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

22 **SECTION 30.** 457.02 (6) of the statutes is created to read:

23 457.02 (6) Require a credential for a person to do any of the following:

24 (a) Lawfully practice within the scope of a license, permit, registration or
 25 certificate granted by this state or the federal government. INSERT 10-25

BILL

INSERT
11-5

1 (b) Provide a consultation or demonstration with an individual licensed under
2 this chapter if the person providing the consultation or demonstration is licensed to
3 practice marriage and family therapy, professional counseling or clinical social work
4 in another state or territory of the United States.

certification ✓

WFO
please let
competent

5 SECTION 31. 457.03 of the statutes is amended to read:

6 (a) 457.03 (1) Upon the advice of the social worker section, marriage and family
7 therapist section and professional counselor section, promulgate promulgate rules
8 establishing minimum standards for educational programs that must be completed
9 for certification ~~under this chapter~~ under this chapter and for supervised clinical training
10 that must be completed for certification as an independent clinical social worker,
11 marriage and family therapist or professional counselor under this chapter and
12 approve educational programs and supervised clinical training programs in
13 accordance with those standards. INSERT 11-13

14 SECTION 32. 457.03 (2) of the statutes is renumbered 457.03 (2) (intro.) and
15 amended to read:

16 457.03 (2) (intro.) Upon the advice of the social worker section, marriage and
17 family therapist section and professional counselor section, promulgate Promulgate
18 rules establishing a code of ethics to govern the professional conduct of certificate
19 credential holders. The rules shall specify the services included within the practice
20 of social work, advanced practice social work or independent social work that an
21 individual who is certified under this chapter as a social worker, advanced practice
22 social worker, or independent social worker or independent clinical social worker is
23 qualified to may perform and the degree of supervision, if any, required to perform
24 those services. The rules may not permit a certificate credential holder to engage in
25 psychotherapy unless the one of the following applies:

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1 ~~(a) The individual is certified licensed under this chapter as an advanced~~
 2 ~~practice social worker, independent social worker, independent a clinical social~~
 3 ~~worker, marriage and family therapist or professional counselor and has engaged in~~
 4 ~~the equivalent of at least 2 years of full-time supervised social work, marriage and~~
 5 ~~family therapy or professional counseling clinical practice after receiving the~~
 6 ~~master's or doctorate degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or~~
 7 ~~457.12 (2).~~

8 SECTION 33. 457.03 (2) (b) of the statutes is created to read:

9 457.03 (2) (b) The individual is certified as an advanced practice or
 10 independent social worker and the individual engages in psychotherapy only under
 11 the supervision of a clinical social worker who is licensed under this chapter.

12 (c) ~~Section 34~~ 457.03 (3) of the statutes is amended to read:

certification

13 ~~457.03 (3)~~ Upon the advice of the social worker section, promulgate promulgate
 14 rules establishing levels of advanced social work practice, in addition to the levels
 15 of practice for which certificates are granted under s. 457.08 (2) to (4) and (3), and
 16 establishing appropriate educational, training, experience, examination and
 17 continuing education requirements for certification and renewal of a certificate at
 18 each level of practice established in rules promulgated under this subsection. paragraph

19 SECTION 35. 457.03 ^{(1)(d) and (e)} ~~(4) and (5)~~ of the statutes are created to read:

20 457.03 ~~(4)~~ Promulgate rules that specify the different levels of psychometric
 21 testing that an individual who is certified or licensed under this chapter is qualified
 22 to perform. A certificate holder or licensee may not engage in psychometric testing
 23 except as provided under the rules promulgated under this subsection. paragraph

24 ^(e) Promulgate rules establishing the educational and practice requirements
 25 that are specified in ss. 457.08 (4) (c) 3., 457.10 (3) (c) and 457.12 (3) (a) 3. and (b) 3.

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SECTION 36. 457.03 (1)(f) of the statutes is created to read:

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

SECTION 37. 457.04 (1) to (4) of the statutes are amended to read:

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

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

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

(4) Use Practice clinical social work or designate himself or herself as a 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

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INSERT 14-5.1

1 to represent the person as a clinical social worker unless the person is certified
2 licensed as an independent a clinical social worker under this chapter.

3 SECTION 38. 457.04 (5) of the statutes is amended to read:

INSERT 14-5-2

4 457.04 (5) Use Practice marriage and family therapy or designate himself or
5 herself as a marriage and family therapist or use or assume the title "marriage and
6 family therapist", "marriage and family counselor" or any similar other title or
7 designation that represents or may tend to represent the person as a marriage and
8 family therapist unless any of the following applies:

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

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

14 SECTION 39. 457.04 (6) of the statutes is amended to read:

INSERT 14-16.1

15 457.04 (6) Use Practice professional counseling or designate himself or herself
16 as a professional counselor or use or assume the title "professional counselor",
17 "professional rehabilitation counselor", "vocational rehabilitation counselor" or
18 "rehabilitation counselor" or any similar other title or designation that represents
19 or may tend to represent the person as a professional counselor unless the person is
20 certified licensed as a professional counselor under this chapter.

INSERT 14-16.2

21 SECTION 40. 457.04 (7) of the statutes is created to read:

22 457.04 (7) Practice psychotherapy unless the person is licensed under this
23 chapter or unless the person is a certificate holder who may practice psychotherapy
24 under the rules promulgated under s. 457.03 (1) and (2m)

25 SECTION 41. 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 certification or licensure section~~ may not grant any certificate or license
4 under this chapter unless 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 42.** 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 43.** 457.08 (1) (intro.) of the statutes is amended to read:

11 457.08 (1) SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker certification~~
12 section shall grant a social worker certificate to an individual who qualifies under
13 s. 457.09 (5) (d) or to any individual who does all of the following:

14 **SECTION 44.** 457.08 (1) (b) of the statutes is amended to read:

15 457.08 (1) (b) Submits evidence satisfactory to the ~~social worker certification~~
16 section that he or she has received a bachelor's or master's degree in social work from
17 a program accredited by, or a preaccreditation program of, the council on social work
18 education or a doctorate degree in social work.

19 **SECTION 45.** 457.08 (1) (c) of the statutes is amended to read:

20 457.08 (1) (c) Passes an examination approved by the ~~social worker~~
21 ~~certification~~ section to determine minimum competence to practice as a social worker
22 as specified in the rules promulgated under s. 457.03 ~~(a)~~ (1) (b)

23 **SECTION 46.** 457.08 (2) (intro.) of the statutes is amended to read:

24 457.08 (2) ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE. (intro.) The social
25 worker certification section shall grant an advanced practice social worker

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1 certificate to any individual who is certified under sub. (1) and does all of the
2 following:

3 **SECTION 47.** 457.08 (2) (b) of the statutes is amended to read:

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

8 **SECTION 48.** 457.08 (2) (c) of the statutes is amended to read:

9 457.08 (2) (c) Passes an examination approved by the ~~social worker~~
10 certification section to determine minimum competence to practice as an advanced
11 practice social worker as specified in the rules promulgated under s. 457.03 ~~(2)~~ ^{strike} (1) (b)

12 **SECTION 49.** 457.08 (3) (intro.) of the statutes is amended to read:

13 457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~
14 certification section shall grant an independent social worker certificate to any
15 individual who is certified under sub. (1) and does all of the following:

16 **SECTION 50.** 457.08 (3) (b) of the statutes is amended to read:

17 457.08 (3) (b) Submits evidence satisfactory to the ~~social worker~~ certification
18 section that he or she has received a master's degree in social work from a program
19 accredited by, or a preaccreditation program of, the council on social work education
20 or a doctorate degree in social work.

21 **SECTION 51.** 457.08 (3) (c) of the statutes is amended to read:

22 457.08 (3) (c) Submits evidence satisfactory to the ~~social worker~~ certification
23 section that after receiving a master's or doctorate degree in social work he or she has
24 engaged in the equivalent of at least 2 years of full-time supervised social work
25 practice approved by the ~~social worker~~ certification section.

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1 **SECTION 52.** 457.08 (3) (d) of the statutes is amended to read:

2 457.08 (3) (d) Passes an examination approved by the ~~social worker~~
3 certification section to determine minimum competence to practice as an
4 independent social worker as specified in the rules promulgated under s. 457.03 (2) ^{(1) (b)}
5 or passes the academy of certified social workers examination administered by the
6 national association of social workers.

7 **SECTION 53.** 457.08 (4) (intro.) of the statutes is amended to read:

8 457.08 (4) ~~INDEPENDENT CLINICAL~~ [✓] CLINICAL SOCIAL WORKER ~~CERTIFICATE~~ [✓] LICENSE.
9 (intro.) The ~~social worker~~ licensure section shall grant ~~an independent~~ [✓] a clinical
10 social worker ~~certificate~~ license to any individual who is certified under sub. (1) and
11 does all of the following:

12 **SECTION 54.** 457.08 (4) (b) of the statutes is amended to read:

13 457.08 (4) (b) Submits evidence satisfactory to the ~~social worker~~ licensure
14 section that he or she has received a master's degree in social work from a program
15 accredited by, or a preaccreditation program of, the council on social work education
16 or a doctorate degree in social work and, as part of the master's or doctorate degree
17 program, had a clinical social work concentration and completed supervised clinical
18 field training.

19 **SECTION 55.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)
20 and amended to read:

21 457.08 (4) (c) (intro.) Submits evidence satisfactory to the ~~social worker~~
22 licensure section that after receiving a master's or doctorate degree in social work he
23 or she has engaged in the equivalent of at least 2 years of full-time supervised
24 clinical social work practice ~~approved by the social worker section.~~ supervised by one
25 of the following:

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SECTION 56. 457.08 (4) (c) 1., 2. and 3. of the statutes are created to read:

457.08 (4) (c) 1. An individual licensed as a clinical social worker who has received a doctorate degree in social work.

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

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

SECTION 57. 457.08 (4) (d) of the statutes is amended to read:

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

SECTION 58. 457.09 (title) and (1) (intro.) and (a) of the statutes are amended to read:

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

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

SECTION 59. 457.09 (1) (c) of the statutes is amended to read:

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

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

3 **SECTION 60.** 457.09 (1) (d) of the statutes is amended to read:

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

7 **SECTION 61.** 457.09 (2) of the statutes is amended to read:

8 457.09 (2) (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training
9 certificate permit authorizes the holder to use the title specified in s. 457.04 (1)
10 during the period in which the certificate permit is valid.

11 (b) A social worker training certificate permit holder is a social worker certified
12 under this chapter for purposes of any law governing social workers certified under
13 this chapter.

14 **SECTION 62.** 457.09 (3) of the statutes is amended to read:

15 457.09 (3) (a) Except as provided in par. (b), a social worker training certificate
16 permit is valid for 24 months.

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

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

22 **SECTION 63.** 457.09 (4) (intro.) of the statutes is amended to read:

23 457.09 (4) (intro.) During the period in which a social worker training
24 certificate permit is valid, the certificate permit holder shall do all of the following:

25 **SECTION 64.** 457.09 (4m) of the statutes is amended to read:

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1 457.09 (4m) (a) The ~~social worker certification~~ section shall determine whether
2 a course, internship or employment satisfies the requirements under sub. (4) and
3 whether a social worker training ~~certificate~~ permit holder has attained social worker
4 degree equivalency.

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

12 **SECTION 65.** 457.09 (5) of the statutes is amended to read:

13 457.09 (5) (a) A social worker training ~~certificate~~ permit holder may take the
14 national social work examination at any time after he or she completes the
15 requirements under sub. (4).

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

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

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Clinical marriage

1 (d) The ~~social worker certification~~ section shall grant a social worker certificate
2 to an individual who has held a social worker training ~~certificate~~ permit and who
3 passes the examinations specified under pars. (a) and (b).

4 **SECTION 66.** 457.10 (intro.) of the statutes is amended to read:

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5 **457.10 ~~Marriage~~ and family therapist ~~certificate~~ license.** (intro.) The
6 ~~marriage and family therapist licensure~~ section shall grant a ^{clinical} marriage and family
7 therapist ~~certificate~~ license to any individual who does all of the following:

8 **SECTION 67.** 457.10 (2) (intro.) of the statutes is amended to read:

9 457.10 (2) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
10 ~~therapist licensure~~ section that he or she has done any of the following:

11 **SECTION 68.** 457.10 (2) (b) of the statutes is amended to read:

12 457.10 (2) (b) Received a master's or doctorate degree in marriage and family
13 therapy, psychology, sociology, social work, professional counseling or other mental
14 health field that included course work that the ~~marriage and family therapist~~
15 ~~licensure~~ section determines is substantially equivalent to the course work required
16 for a master's or doctorate degree in marriage and family therapy described under
17 par. (a).

18 **SECTION 69.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and
19 amended to read:

20 457.10 (3) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
21 ~~therapist licensure~~ section that after receiving a master's or doctorate degree
22 required under sub. (2) he or she has engaged in the equivalent of at least 2 years of
23 full-time ~~supervised clinical marriage and family therapy practice approved by the~~
24 ~~marriage and family therapist section.~~ supervised by one of the following:

25 **SECTION 70.** 457.10 (3) (a), (b) and (c) of the statutes are created to read:

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SECTION 70

1

457.10 (3) (a) An individual licensed as a ^{clinical} marriage and family therapist who

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has received a doctorate degree in marriage and family therapy.

3

(b) An individual licensed as a ^{clinical} marriage and family therapist who has engaged

4

in the equivalent of 5 years of full-time clinical marriage and family therapy

5

practice.

6

(c) An individual licensed as a marriage and family therapist who satisfies

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educational or practice requirements that are comparable to the requirements under

8

par. (a) or (b) and that are established in rules promulgated under s. 457.03 ^{(1) (e)}

9

SECTION 71. 457.10 (4) of the statutes is amended to read:

10

457.10 (4) Passes an examination approved by the ~~marriage and family~~

11

~~therapist licensure~~ section to determine minimum competence to practice marriage

12

and family therapy.

13

SECTION 72. 457.11 of the statutes is created to read:

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457.11 Marriage and family therapist training permit. (1) The licensure

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section shall grant a ^{clinical} marriage and family therapist training permit to any individual

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who does all of the following:

17

(a) Submits an application for the permit to the department on a form provided

18

by the department.

19

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

20

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

21

(d) Submits evidence satisfactory to the licensure section that he or she is

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employed full-time, or has an offer of full-time employment, as a marriage and

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family therapist in a supervised clinical marriage and family therapist practice or

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in a position in which the applicant will, in the opinion of the licensure section,

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1 receive training and supervision equivalent to the training and supervision received
2 in a full-time supervised clinical marriage and family therapist practice.

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

9 **SECTION 73.** 457.12 (intro.) of the statutes is amended to read:

10 457.12 ~~Professional~~ ^{Clinical professional} counselor certificate license. (intro.) The
11 professional counselor licensure section shall grant a ^{clinical} professional counselor
12 certificate license to any individual who does all of the following:

13 **SECTION 74.** 457.12 (2) of the statutes is amended to read:

14 457.12 (2) Submits evidence satisfactory to the professional counselor
15 licensure section that he or she has received a master's or doctorate degree in
16 professional counseling or its equivalent from a program approved by the
17 professional counselor licensure section.

18 **SECTION 75.** 457.12 (3) (intro.) of the statutes is amended to read:

19 457.12 (3) (intro.) Submits evidence satisfactory to the professional counselor
20 licensure section that he or she has done any of the following:

21 **SECTION 76.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)
22 and amended to read:

23 457.12 (3) (a) (intro.) After receiving a master's degree in professional
24 counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time

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1 ~~supervised clinical professional counseling practice approved by the professional~~
2 ~~counselor section. supervised by one of the following:~~

3 **SECTION 77.** 457.12 (3) (a) 1., 2. and 3. of the statutes are created to read:

4 457.12 (3) (a) 1. An individual licensed as a ^{clinical} professional counselor who has
5 received a doctorate degree in professional counseling.

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

8 3. An individual licensed as a professional counselor who satisfies educational
9 or practice requirements that are comparable to the requirements under subd. 1. or
10 2. and that are established in rules promulgated under s. 457.03 ~~or~~ (i) (e)

11 **SECTION 78.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.)
12 and amended to read: ↑

13 457.12 (3) (b) (intro.) After receiving a doctorate degree in professional
14 counseling or its equivalent, engaged in the equivalent of at least one year of
15 full-time supervised clinical professional counseling practice approved by the
16 professional counselor section. supervised by one of the following:

17 **SECTION 79.** 457.12 (3) (b) 1., 2. and 3. of the statutes are created to read:

18 457.12 (3) (b) 1. An individual licensed as a ^{clinical} professional counselor who has
19 received a doctorate degree in professional counseling.

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

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

25 **SECTION 80.** 457.12 (4) of the statutes is amended to read:

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1 457.12 (4) Passes an examination approved by the professional counselor
 2 licensure section to determine minimum competence to practice professional
 3 counseling.

4 **SECTION 81.** 457.13 (title) and (1) (intro.) and (a) of the statutes are amended
 5 to read:

6 **457.13** (title) ~~Professional counselor training certificate permit.~~ ^{Clinical professional} **(1)**
 7 (intro.) The professional counselor licensure section shall grant a ^{clinical} professional
 8 counselor training certificate permit to any individual who does all of the following:

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

11 **SECTION 82.** 457.13 (1) (d) of the statutes is amended to read:

12 457.13 (1) (d) Submits evidence satisfactory to the professional counselor
 13 licensure section that he or she is employed full-time, or has an offer of full-time
 14 employment, as a ^{clinical} professional counselor in a supervised clinical professional
 15 counseling practice or in a position in which the applicant will, in the opinion of the
 16 professional counselor licensure section, receive training and supervision equivalent
 17 to the training and supervision received in a full-time supervised clinical
 18 professional counseling practice.

19 **SECTION 83.** 457.13 (2) of the statutes is amended to read:

20 **457.13 (2)** A ^{clinical} professional counselor training certificate permit is valid for 24
 21 months or until the date on which the holder of the certificate permit ceases to be
 22 employed in a position specified in sub. (1) (d), whichever occurs first, and may not
 23 be renewed by the professional counselor licensure section. ~~A-~~ Notwithstanding s.
 24 457.04 (6), a ^{clinical} professional counselor training certificate permit authorizes the holder
 25 to use any title specified in s. 457.04 (6) and to practice professional counseling

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1 within the scope of his or her training or supervision during the period in which the
2 certificate permit is valid.

3 **SECTION 84.** 457.14 of the statutes is amended to read:

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

16 **SECTION 85.** 457.15 (title) of the statutes is amended to read:

17 **457.15 (title) Reciprocal certificates and licenses.**

18 **SECTION 86.** 457.15 (1) (intro.), (a), (b) and (c) of the statutes are amended to
19 read:

20 457.15 (1) (intro.) Upon application and payment of the fee specified in s.
21 440.05 (2), the ~~social worker~~ certification section shall do all of the following:

22 (a) Grant a social worker certificate to any individual who holds a similar
23 certificate in another state or territory of the United States if the ~~social worker~~
24 certification section determines that the requirements for obtaining the certificate

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

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

9 (c) Grant an independent social worker certificate to any individual who is
10 certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in
11 another state or territory of the United States if the ~~social worker~~ certification
12 section determines that the requirements for obtaining the certificate in the other
13 state or territory are substantially equivalent to the requirements under s. 457.08
14 (3).

15 **SECTION 87.** 457.15 (1) (d) of the statutes is renumbered 457.15 (2) (a) and
16 amended to read:

17 *457.15 (2) (a) Grant an independent a clinical social worker certificate to any*
18 *individual who is certified under ~~par. sub. (1)~~ (a) or under s. 457.08 (1) and who holds*
19 *a similar certificate in another state or territory of the United States if the ~~social~~*
20 *~~worker~~ licensure section determines that the requirements for obtaining the*
21 *certificate in the other state or territory are substantially equivalent to the*
22 *requirements under s. 457.08 (4).*

23 **SECTION 88.** 457.15 (2) of the statutes is renumbered 457.15 (2) (intro.) and
24 amended to read:

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1 457.15 (2) (intro.) Upon application and payment of the fee specified in s.
2 440.05 (2), the ~~marriage and family therapist licensure~~ section shall ~~grant~~ do all of
3 the following:

4 (b) Grant a ^{clinical} marriage and family therapist certificate to any individual who
5 holds a similar certificate in another state or territory of the United States if the
6 ~~marriage and family therapist licensure~~ section determines that the requirements
7 for obtaining the certificate in the other state or territory are substantially
8 equivalent to the requirements under s. 457.10.

9 SECTION 89. 457.15 (3) of the statutes is renumbered 457.15 (2) (c) and
10 amended to read:

11 457.15 (2) (c) ~~Upon application and payment of the fee specified in s. 440.05 (2),~~
12 ~~the professional counselor section shall grant~~ Grant a ^{clinical} professional counselor
13 certificate to any individual who holds a similar certificate in another state or
14 territory of the United States if the ~~professional counselor licensure~~ section
15 determines that the requirements for obtaining the certificate in the other state or
16 territory are substantially equivalent to the requirements under s. 457.12.

17 SECTION 90. 457.16 (1) of the statutes is amended to read:

18 457.16 (1) The appropriate section of the examining board shall arrange for
19 examinations for social worker, advanced practice social worker, independent social
20 worker, independent ^{clinical} social worker, ^{clinical} marriage and family therapist and
21 ^{clinical} professional counselor certification and licensure to be conducted at least
22 semiannually and at times and places determined by that section of the examining
23 board, and shall provide public notice of each examination at least 90 days before the
24 date of the examination.

25 SECTION 91. 457.16 (2) of the statutes is amended to read:

BILL

1 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
2 applicants to demonstrate minimum competency in subjects substantially related to
3 the practice of social work, advanced practice social work, independent social work,
4 clinical social work, ^{clinical} marriage and family therapy or ^{clinical} professional counseling, as
5 appropriate.

6 **SECTION 92.** 457.16 (3) of the statutes is amended to read:

7 457.16 (3) An individual is not eligible for examination unless he or she
8 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),
9 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
10 to (3) or 457.12 (1) to (3) and, at least 30 days before the date of the examination,
11 submits an application for examination to the department on a form provided by the
12 department and pays the fee specified in s. 440.05 (1).

13 **SECTION 93.** 457.20 (1) and (2) of the statutes are amended to read:

14 457.20 (1) The department shall issue a certificate of certification or licensure
15 to each individual who is certified or licensed under this chapter.

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

19 **SECTION 94.** 457.20 (3) (b) and (c) of the statutes are amended to read:

20 457.20 (3) (b) ~~Proof~~ If the application is for renewal of a certificate of
21 certification, proof of completion of continuing education requirements in s. 457.22.

22 (c) If the application is for renewal of a professional counselor certificate license
23 that was originally granted as a professional counselor certificate under 1991
24 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional
25 counselor licensure section that the applicant continues to be employed by a federal,

BILL

INSERT 30-10

1 state or local governmental agency as a professional counselor, professional
2 rehabilitation counselor, vocational rehabilitation counselor or rehabilitation
3 counselor.

4 **SECTION 95.** 457.20 (4) of the statutes is amended to read:

5 457.20 (4) Renewal of an advanced practice social worker, independent social
6 worker or independent clinical social worker certificate or license automatically
7 renews the individual's social worker certificate without payment of the renewal fee
8 for the social worker certificate or completion of the continuing education
9 requirements that would otherwise be required for renewal of a social worker
10 certificate.

11 **SECTION 96.** 457.22 of the statutes is amended to read:

12 **457.22 Continuing education.** The examining board may promulgate rules
13 establishing requirements and procedures for certificate holders, but not for
14 licensees, to complete continuing education programs or courses of study in order to
15 qualify for renewal. The rules may not require an individual to complete more than
16 30 hours of continuing education programs or courses of study in order to qualify for
17 renewal. The appropriate certification section of the examining board may waive all
18 or part of the requirements established in rules promulgated under this section if it
19 determines that prolonged illness, disability or other exceptional circumstances
20 have prevented the individual from completing the requirements.

21 **SECTION 97.** 457.25 of the statutes is amended to read:

22 **457.25 Reporting requirements.** (1) Any public or private mental health
23 or health care agency, institution or facility, or any other person or entity that
24 employs or contracts for services with a certificate credential holder, that terminates,
25 suspends or restricts the employment or contract of the certificate credential holder

BILL

1 as a result of adverse or disciplinary action against the ~~certificate~~ credential holder
2 relating to his or her practice of social work, advanced practice social work,
3 independent social work, clinical social work, ^{clinical} marriage and family therapy or
4 ^{clinical} professional counseling shall submit a written report of the action to the appropriate
5 section of the examining board within 30 days after the date on which the action is
6 taken or, if grounds for such an action exist and the ~~certificate~~ credential holder
7 terminates his or her employment before the action is taken, within 30 days after the
8 date on which the ~~certificate~~ credential holder terminates his or her employment.

9 (2) Any state or local professional society or organization of social workers,
10 ^{clinical} marriage and family therapists or ^{clinical} professional counselors that terminates, revokes
11 or suspends the membership of a ~~certificate~~ credential holder, or takes any other
12 adverse or disciplinary action against a ~~certificate~~ credential holder relating to his
13 or her practice of social work, advanced practice social work, independent social
14 work, clinical social work, ^{clinical} marriage and family therapy or ^{clinical} professional counseling,
15 shall submit a written report of the action to the appropriate section of the examining
16 board within 30 days after the date on which the action is taken or, if grounds for such
17 an action exist and the ~~certificate~~ credential holder terminates his or her
18 membership before the action is taken, within 30 days after the date on which the
19 ~~certificate~~ credential holder terminates his or her membership.

20 (3) Any insurer, as defined in s. 600.03 (27), who provides professional liability
21 insurance coverage for a ~~certificate~~ credential holder and who pays a claim for
22 damages arising out of the rendering of services by the ~~certificate~~ credential holder
23 or obtains any information that tends to substantiate a charge that the ~~certificate~~
24 credential holder has engaged in conduct that constitutes grounds for discipline
25 under s. 457.26 shall submit a written report of the payment or information to the

BILL

1 appropriate section of the examining board within 30 days after the date on which
2 the payment is made or information is obtained.

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

10 (5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3) or (4), the
11 appropriate section of the examining board shall notify the ~~certificate~~ credential
12 holder, in writing, of the substance of the report. The ~~certificate~~ credential holder
13 and ~~the certificate holder's~~ his or her authorized representative may examine the
14 report and may place into the record a statement, of reasonable length, of the
15 ~~certificate~~ credential holder's view of the correctness or relevance of any information
16 in the report. The ~~certificate~~ credential holder may institute an action in circuit court
17 to amend or expunge any part of ~~the certificate holder's~~ his or her record related to
18 the report.

19 (b) If the appropriate section of the examining board determines that a report
20 submitted under sub. (1), (2), (3) or (4) is without merit or that the ~~certificate~~
21 credential holder has sufficiently improved his or her conduct, that section of the
22 examining board shall remove the report from ~~the certificate holder's~~ his or her
23 record. If no report about a ~~certificate~~ credential holder is filed under sub. (1), (2),
24 (3) or (4) for 2 consecutive years, the ~~certificate~~ credential holder may petition the

BILL

1 appropriate section of the examining board to remove any prior reports, which did
2 not result in disciplinary action, from his or her record.

3 **SECTION 98.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

4 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
5 appropriate section of the examining board may reprimand a certificate credential
6 holder or deny, limit, suspend or revoke a ~~certificate~~ credential under this chapter
7 if it finds that the applicant ~~or certificate~~ credential holder has done any of the
8 following:

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

11 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
12 circumstances of which substantially relate to the practice of social work, advanced
13 practice social work, independent social work, clinical social work, ^{clinical} marriage and
14 family therapy or ^{clinical} professional counseling.

15 **SECTION 99.** 457.26 (2) (e) of the statutes is amended to read:

16 457.26 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced social work,
17 advanced practice social work, independent social work, clinical social work,
18 ^{clinical} marriage and family therapy or ^{clinical} professional counseling while his or her ability to
19 practice was impaired by alcohol or other drugs.

20 **SECTION 100.** 457.26 (2) (g) of the statutes is amended to read:

21 457.26 (2) (g) Performed social work, advanced practice social work,
22 ⁰⁵ independent social work ~~by clinical social work~~ services in violation of the rules
23 promulgated under s. 457.03 ^{(1)(b)} (2) for otherwise engaged in conduct while practicing
24 social work, advanced practice social work, independent social work, clinical social

INSERT 33-19

BILL

SECTION 100

INSERT 34-2

1 ~~work~~ ^{clinical} marriage and family therapy or professional counseling which evidences a lack
2 of knowledge or ability to apply professional principles or skills.

3 **SECTION 101.** 905.04 (1) (bm) of the statutes is amended to read:

4 905.04 (1) (bm) "Marriage and family therapist" means an individual who is
5 ~~certified~~ ^{clinical} licensed as a marriage and family therapist under ch. 457 or an individual
6 reasonably believed by the patient to be a ^{clinical} marriage and family therapist.

7 **SECTION 102.** 905.04 (1) (dm) of the statutes is amended to read:

8 905.04 (1) (dm) "Professional counselor" means an individual who is ~~certified~~
9 licensed as a professional counselor under ch. 457 or an individual reasonably
10 believed by the patient to be a professional counselor.

INSERT
34-10

11 **SECTION 103. Nonstatutory provisions.**

12 (1) DEFINITIONS. In this SECTION:

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

14 (b) "Examining board" means the examining board ~~of social workers, marriage~~
15 ~~and family therapists and professional counselors.~~

INSERT 34-14

16 (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a), (am)
17 and (b) of the statutes, as affected by this act:

18 (a) A member of the examining board who was appointed on or before the
19 effective date of this paragraph may continue to serve as a member of the examining
20 board until the end of his or her appointed term, except for a member whose
21 appointed term expires on or before January 1, 2002.

22 (b) The secretary of the department shall assign the public members of the
23 examining board who were appointed on or before the effective date of this paragraph
24 for terms that expire after January 1, 2002, to serve on either the certification or the
25 licensure section of the examining board.

INSERT 34-55

BILL

1 (3) TRANSITIONAL PROVISIONS.

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

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

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

24 3. The licensure section of the examining board shall grant a ^{clinical} marriage and
25 family therapist license under section 457.10 of the statutes, as affected by this act,

BILL

1 to any person who holds a valid marriage and family therapist certificate that was
2 granted by the marriage and family therapy section of the examining board before
3 the effective date of this subdivision.

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

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

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

BILL

1 pursuant to this subdivision is valid only for the period of time designated by the
2 section of the examining board for the temporary certificate granted to the person.
3 If the temporary certificate was renewed once by the section, the temporary license
4 may not be renewed.

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

11 (b) *Duty of department.* The department shall issue a certificate of licensure
12 under section 457.20 (1) of the statutes, as affected by this act, to any person who is
13 granted a license under paragraph (a).

SECTION 104. Effective date.

14 (1) This act takes effect on the first day of the 6th month beginning after
15 publication.
16

17 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2435/3ins
MDK:.....

1

INSERT A1:

NO

, "marriage and family therapist" and "professional counselor"

2

INSERT A2:

NO

, "clinical marriage and family therapist" and "clinical professional counselor"

NO

INSERT A3:

The bill also changes the name of the examining board to the social work, marriage and family therapy and professional counseling examining board.

4

INSERT A4:

NO

allows the examining board to promulgate professional conduct and continuing education requirements upon the advice of the members of the examining board who are certified or licensed under the bill

5

INSERT 4-1:

6

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

7

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, occupational therapy examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the social work, marriage and family therapy and professional counseling examining board of ~~social workers, marriage and family therapists and professional counselors~~ and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

17

SECTION 2. 15.405 (7c) (title) of the statutes is repealed and recreated to read:

18

15.405 (7c) (title) SOCIAL WORK, MARRIAGE AND FAMILY THERAPY AND PROFESSIONAL

19

COUNSELING EXAMINING BOARD.

History: 1971 c. 40; 1975 c. 86, 199; 1977 c. 418; 1979 c. 32; 1979 c. 34 ss. 32e to 32s, 2102 (45) (a); 1979 c. 221; 1981 c. 94; 1983 a. 403, 524; 1985 a. 332, 340; 1987 a. 399; 1989 a. 229, 316, 359; 1991 a. 39, 160, 316; 1993 a. 105, 107, 484, 490; 1995 a. 245; 1997 a. 175.

(END OF INSERT 4-1)

1 *no R*

INSERT 4-3:

2 a social work, marriage and family therapy and professional counseling

3 *no R*

INSERT 5-12:

4 , including the public member who is also a member of the certification section

INSERT 6-12:

6 **SECTION 3.** 180.1901 (1m) (f) of the statutes is amended to read:

7 180.1901 (1m) (f) ~~Examining~~ Social work, marriage and family therapy and
8 professional counseling examining board of social workers, marriage and family
9 therapists and professional counselors under ch. 457.

History: 1989 a. 303; 1993 a. 473; 1995 a. 167; 1997 a. 75, 156, 175; s. 13.93 (2) (c).

10 **INSERT 7-3:**

11 **SECTION 4.** Chapter 457 (title) of the statutes is repealed and recreated to read:

12 **CHAPTER 457**

insert hard return

13

SOCIAL WORK, MARRIAGE AND FAMILY THERAPY

insert hard return

AND PROFESSIONAL COUNSELING EXAMINING BOARD

15 **INSERT 7-24:**

16 **SECTION 5.** 457.01 (2) of the statutes is amended to read:

17 457.01 (2) "Examining board" means the social work, marriage and family
18 therapy and professional counseling examining board of ~~social workers, marriage~~
19 ~~and family therapists and professional counselors.~~

History: 1991 a. 160.

20 **INSERT 10-8.1:**

21 "clinical marriage and family therapist",

22 **INSERT 10-8.2:**

23 "clinical professional counselor"

24 **INSERT 10-11.1:**

1 “clinical marriage and family therapist”,

2 **INSERT 10-11.2:**

3 “clinical professional counselor”

4 **INSERT 10-25:**

5 NO 9, including practicing psychotherapy under such a license, permit, registration or
6 certificate

7 **INSERT 11-5:**

8 8 renumbered 457.03 (1) and 457.03 (1) (a), (b) and (c), as renumbered, are

9 **INSERT 11-13:**

10 (b) Upon the advice of the ~~social worker certification~~ section, ~~marriage and~~
11 ~~family therapist section and professional counselor section~~, promulgate rules
12 establishing a code of ethics to govern the professional conduct of certificate holders.
13 The rules shall specify the services included within the practice of social work,
14 advanced practice social work or independent social work that an individual who is
15 certified under this chapter as a social worker, advanced practice social worker, or
16 independent social worker ~~or independent clinical social worker is qualified to~~ may
17 perform and the degree of supervision, if any, required to perform those services. ~~The~~
18 ~~rules may not permit a certificate holder to engage in psychotherapy unless the~~
19 ~~individual is certified under this chapter as an advanced practice social worker,~~
20 ~~independent social worker, independent clinical social worker, marriage and family~~
21 ~~therapist or professional counselor and has engaged in the equivalent of at least 2~~
22 ~~years of full-time supervised social work, marriage and family therapy or~~
23 ~~professional counseling clinical practice after receiving the master’s or doctorate~~
24 ~~degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).~~

History: 1991 a. 160.

(END OF INSERT)

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INSERT 12-18:

SECTION 6. 457.03 (1), (ae), (am) and (as) of the statutes are created to read:

457.03 (1) (ae) Upon the advice of the members of the licensure section who are clinical social workers, promulgate rules establishing minimum standards for educational programs that must be completed for licensure as clinical social workers under this chapter and approve educational programs in accordance with those standards.

(am) Upon the advice of the members of the licensure section who are clinical marriage and family therapists, promulgate rules establishing minimum standards for educational programs that must be completed for licensure as clinical marriage and family therapists under this chapter and approve educational programs in accordance with those standards.

(as) Upon the advice of the members of the licensure section who are clinical professional counselors, promulgate rules establishing minimum standards for educational programs that must be completed for licensure ^{as} of clinical professional counselors under this chapter and approve educational programs in accordance with those standards.

SECTION 7. 457.03 (1) (be), (bm) and (bs) of the statutes are created to read:

457.03 (1) (be) Upon the advice of the members of the licensure section who are clinical social workers, promulgate rules establishing a code of ethics to govern the professional conduct of clinical social workers.

(bm) Upon the advice of the members of the licensure section who are clinical marriage and family therapists, promulgate rules establishing a code of ethics to govern the professional conduct of clinical marriage and family therapists.



1 (bs) Upon the advice of the members of the licensure section who are clinical
2 professional counselors, promulgate rules establishing a code of ethics to govern the
3 professional conduct of clinical professional counselors.

4 **INSERT 13-6:**

5 **SECTION 8.** 457.03 (2m) of the statutes is created to read:

6 **457.03 (2m)** The examining board may not promulgate rules under sub. (1)
7 that permit an individual to engage in psychotherapy unless one of the following
8 applies:

9 (a) The individual is licensed under this chapter as a clinical social worker,
10 clinical marriage and family therapist or clinical professional counselor.

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

14 **INSERT 14-5.1:**

15 clinical marriage and family therapist or

16 **INSERT 14-5.2:**

17 "clinical marriage and family therapist",

18 **INSERT 14-16.1:**

19 clinical professional counselor or

20 **INSERT 14-16.2:**

21 "clinical professional counselor",

22 **INSERT 30-10:**

23 **SECTION 9.** 457.22 of the statutes is renumbered 457.22 (1) (intro.) and
24 amended to read:



1

INSERT 33-19:

2

SECTION 11. 457.26 (2) (f) of the statutes is amended to read:

3

457.26 (2) (f) Engaged in unprofessional or unethical conduct in violation of the

4

code of ethics established in the rules promulgated under s. 457.03 (2) (1) (b), (be),

5

(bm) or (bs).

History: 1991 a. 160; 1995 a. 309.

6

INSERT 34-¹⁴~~23~~:

social work, marriage and family therapy and professional counseling

8

INSERT 34-25:

, except for one public member who shall be assigned to serve on both sections

no 9

no 9

1 report as provided in sub. (3). No person making a report under this subsection may
2 be discharged from employment for so doing.

History: Sup. Ct. Order, 59 W (2d) R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; s. 13.93 (2) (c).

3 **INSERT 6-25:**

4 **SECTION 2.** 440.08 (2) (a) 46m. of the statutes is amended to read:

5 440.08 (2) (a) 46m. Marriage Clinical marriage and family therapist: July 1
6 of each odd-numbered year; \$66.

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; s. 13.93 (1) (b).

7 **SECTION 3.** 440.08 (2) (a) 63m. of the statutes is amended to read:

8 440.08 (2) (a) 63m. Professional Clinical professional counselor: July 1 of each
9 odd-numbered year; \$55.

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; s. 13.93 (1) (b).

10 **INSERT 34-2:**

11 **SECTION 4.** 895.70 (1) (e) of the statutes is amended to read:

12 895.70 (1) (e) "Therapist" means a physician, psychologist, social worker,
13 clinical marriage and family therapist, clinical professional counselor, nurse,
14 chemical dependency counselor, member of the clergy or other person, whether or not
15 licensed or certified by the state, who performs or purports to perform psychotherapy.

History: 1985 a. 275; 1987 a. 352; 1991 a. 160, 217; 1995 a. 27 s. 9126 (19).

16 **INSERT 34-10:**

17 **SECTION 5.** 940.22 (1) (i) of the statutes is amended to read:

18 940.22 (1) (i) "Therapist" means a physician, psychologist, social worker,
19 clinical marriage and family therapist, clinical professional counselor, nurse,
20 chemical dependency counselor, member of the clergy or other person, whether or not
21 licensed or certified by the state, who performs or purports to perform psychotherapy.

History: 1983 a. 434; 1985 a. 275; 1987 a. 352, 380; 1991 a. 160; 1993 a. 107; 1995 a. 300.

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

LRB-2435/3ins

MDK.....

MDK

✓
Senator Grobschmidt:

This version makes the changes suggested by Dismas Becker. In addition, this version changes the name of the examining board so that it is consistent with the other changes under the bill.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2435/3dn
MDK:cmh:jf

May 18, 1999

Senator Grobschmidt:

This version makes the changes suggested by Dismas Becker. In addition, this version changes the name of the examining board so that it is consistent with the other changes under the bill.

Mark D. Kunkel
Legislative Attorney
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**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 5/18/99

To: Senator Grobschmidt

Relating to LRB drafting number: LRB-2435

Topic

Licensure of independent clinical social workers, marriage and family therapists and professional counselors.

Subject(s)

Occupational Reg. - prof lic

1. **JACKET** the draft for introduction

Richard Grobschmidt

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

Richard Grobschmidt

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney
Telephone: (608) 266-0131