

BILL HISTORY FOR ASSEMBLY BILL 206 (LRB -0746)

An Act to renumber 457.01 (1); to renumber and amend 15.405 (7c) (a), 457.08 (4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b), 457.14 and 457.22; to amend 15.08 (1m) (b), 15.405 (7c) (c), 40.51 (8), 40.51 (8m), 60.23 (25), 66.0137 (4), 120.13 (2) (g), 146.81 (1) (hg), 180.1901 (1m) (f), 185.981 (4t), 185.983 (1) (intro.), 252.14 (1) (ar) 7., 440.03 (14) (b), 440.03 (14) (c), 440.03 (14) (d), 440.03 (14) (e), 440.03 (14) (f), 450.10 (3) (a) 10., 457.01 (2), 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02 (1) to (5), 457.03 (1), (2) and (3), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06 (intro.) and (1), 457.08 (title), 457.08 (4) (intro.), 457.08 (4) (d), 457.09 (2) (a), 457.09 (5) (a), 457.10 (intro.), 457.12 (intro.), 457.13 (2), 457.15 (title), 457.15 (1) (intro.), 457.15 (1) (a), 457.15 (1) (b), 457.15 (1) (c), 457.15 (1) (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1) and (2), 457.20 (3) (c), 457.20 (4), 457.25, 457.26 (2) (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (g), 609.655 (3) (a), 632.87 (1), 905.04 (1) (bm), 905.04 (1) (dm) and 905.04 (1) (g); to repeal and recreate 15.405 (7c) (title), chapter 457 (title) and 457.01 (8m); and to create 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 3., 111.91 (2) (pm), 440.01 (2) (cv), 440.03 (14) (am), 440.08 (2) (a) 67x., 457.01 (1c), 457.01 (1n), 457.01 (1r), 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (8e), 457.02 (6), 457.033, 457.035, 457.04 (7), 457.08 (4) (c) 1., 2., 3. and 4., 457.10 (3) (a), (b), (c) and (d), 457.11, 457.12 (3) (a) 1., 2., 3. and 4., 457.12 (3) (b) 1., 2., 3. and 4., 457.14 (1) (b), (c), (d), (e) and (f), 457.22 (1) (h) and (c), 457.23, 457.24, 609.71, 632.87 (6) and 632.89 (1) (e) 4. of the statutes; relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty. (FE)

2001

03-15. A. Introduced by Representatives Urban, Vrakas, Krawczyk, Wasserman, Freese, Berceau, Hahn, Lippert, La Fave, Starzyk, Young, Albers, Townsend, Schneider, Ott, Skindrud, Gronemus, Plouff, Kreibich and Carpenter; cosponsored by Senators Grobschmidt, George, Rosenzweig, Plache, Darling, Erpenbach and Huelsman.

03-15. A. Read first time and referred to committee on Health 147

04-10. A. Fiscal estimate received.

04-10. A. Public hearing held.

04-24. A. ✓ LRB correction 202

10-02. A. Assembly substitute amendment 1 offered by Representative Urban (LRB s0088) 404

10-09. A. Executive action taken.

10-17. A. Report Assembly substitute amendment 1 adoption recommended by committee on Health, Ayes 14, Noes 0 446

10-17. A. Report passage as amended recommended by committee on Health, Ayes 13, Noes 1 446

10-17. A. Referred to committee on Rules 446

11-06. A. Placed on calendar 11-8-2001 by committee on Rules.

11-08. A. Read a second time 537

11-08. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative Urban (LRB a0954) 537

11-08. A. Assembly amendment 1 ✓ to Assembly substitute amendment 1 adopted 537

11-08. A. Assembly substitute amendment 1 ✓ adopted 537

11-08. A. Referred to joint committee on Finance 537

11-08. A. Withdrawn from joint committee on Finance and taken up 537

11-08. A. Ordered to a third reading 537

11-08. A. Rules suspended 537

11-08. A. Read a third time and passed, Ayes 85, Noes 12 537

11-08. A. Ordered immediately messaged 537

11-14. S. Received from Assembly 461

11-14. S. Read first time and referred to committee on Human Services and Aging 461

2002

01-29. S. Withdrawn from committee on Human Services and Aging and taken up 534

01-29. S. Read a second time 534

01-29. S. Ordered to a third reading 534

01-29. S. Rules suspended 534

01-29. S. Read a third time and concurred in, Ayes 31, Noes 2 535

01-29. S. Ordered immediately messaged 538

01-31. A. Received from Senate concurred in.

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 206**

October 2, 2001 - Offered by Representative URBAN.

1 **AN ACT** *to repeal* 457.30; *to renumber* 457.01 (1); *to renumber and amend*
2 15.405 (7c) (a), 457.08 (4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b), 457.14 and
3 457.22; *to amend* 15.08 (1m) (b), 15.405 (7c) (c), 146.81 (1) (hg), 180.1901 (1m)
4 (f), 252.14 (1) (ar) 7., 440.03 (14) (b), 440.03 (14) (c), 440.03 (14) (d), 440.03 (14)
5 (e), 440.03 (14) (f), 450.10 (3) (a) 10., 457.01 (2), 457.01 (3), 457.01 (7), 457.01
6 (9), 457.01 (10), 457.02 (1) to (5), 457.03 (1), (2) and (3), 457.04 (2), (3) and (4),
7 457.04 (5), 457.04 (6), 457.06 (intro.) and (1), 457.08 (title), 457.08 (4) (intro.),
8 457.08 (4) (d), 457.09 (2) (a), 457.09 (5) (a), 457.10 (intro.), 457.12 (intro.), 457.13
9 (2), 457.15 (title), 457.15 (1) (intro.), 457.15 (1) (a), 457.15 (1) (b), 457.15 (1) (c),
10 457.15 (1) (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1)
11 and (2), 457.20 (3) (c), 457.20 (4), 457.25, 457.26 (2) (intro.), (a) and (b), 457.26
12 (2) (e), 457.26 (2) (g), 905.04 (1) (bm), 905.04 (1) (dm) and 905.04 (1) (g); *to*
13 *repeal and recreate* 15.405 (7c) (title), chapter 457 (title) and 457.01 (8m);

1 and **to create** 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 3., 440.01 (2) (cv),
2 440.03 (14) (am), 440.08 (2) (a) 67x., 457.01 (1c), 457.01 (1n), 457.01 (1r), 457.01
3 (1w), 457.01 (2g), 457.01 (2r), 457.01 (8e), 457.02 (5m), 457.02 (6), 457.033,
4 457.035, 457.04 (7), 457.08 (4) (c) 1., 2., 3. and 4., 457.10 (3) (a), (b), (c) and (d),
5 457.11, 457.12 (3) (a) 1., 2., 3. and 4., 457.12 (3) (b) 1., 2., 3. and 4., 457.14 (1)
6 (b), (c), (d), (e) and (f), 457.22 (1) (b) and (c) and 457.24 of the statutes; **relating**
7 **to:** regulation of social workers, advanced practice social workers, independent
8 social workers, clinical social workers, marriage and family therapists,
9 professional counselors, and art, music, and dance therapists, granting
10 rule-making authority, and providing a penalty.

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

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

12 15.08 (1m) (b) The public members of the chiropractic examining board, the
13 dentistry examining board, the hearing and speech examining board, the medical
14 examining board, respiratory care practitioners examining council, and council on
15 physician assistants, the board of nursing, the nursing home administrator
16 examining board, the veterinary examining board, the optometry examining board,
17 the pharmacy examining board, the marriage and family therapy, professional
18 counseling, and social work examining board ~~of social workers, marriage and family~~
19 ~~therapists and professional counselors,~~ and the psychology examining board shall
20 not be engaged in any profession or occupation concerned with the delivery of
21 physical or mental health care.

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

1 15.405 (7c) (title) MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
2 SOCIAL WORK EXAMINING BOARD.

3 SECTION 3. 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)
4 and amended to read:

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

10 1. Four social worker members shall be who are certified or licensed under ch.
11 ~~457 as social workers. Three members shall be certified under ch. 457 as.~~

12 2. Three marriage and family therapists. Three therapist members shall be
13 ~~certified under ch. 457 as who are licensed under ch. 457.~~

14 3. Three professional counselors. Three members shall be counselor members
15 ~~who are licensed under ch. 457.~~

16 4. Three public members. Of the 4 certified social worker members, one shall
17 ~~be who represent groups that promote the interests of consumers of services provided~~
18 ~~by persons who are certified or licensed under ch. 457.~~

19 (am) 1. One member who is certified under ch. 457 as an advanced practice
20 ~~social worker, one shall be.~~

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

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

25 SECTION 4. 15.405 (7c) (am) (intro.) of the statutes is created to read:

1 15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall
2 consist of the following:

3 **SECTION 5.** 15.405 (7c) (am) 3. of the statutes is created to read:

4 15.405 (7c) (am) 3. One member who is licensed under ch. 457 as a clinical
5 social worker.

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

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

12 **SECTION 7.** 146.81 (1) (hg) of the statutes is amended to read:

13 146.81 (1) (hg) A social worker, marriage and family therapist, or professional
14 counselor certified or licensed under ch. 457.

15 **SECTION 8.** 180.1901 (1m) (f) of the statutes is amended to read:

16 180.1901 (1m) (f) Examining Marriage and family therapy, professional
17 counseling, and social work examining board of social workers, marriage and family
18 therapists and professional counselors under ch. 457.

19 **SECTION 9.** 252.14 (1) (ar) 7. of the statutes is amended to read:

20 252.14 (1) (ar) 7. A social worker, marriage and family therapist, or
21 professional counselor certified or licensed under ch. 457.

22 **SECTION 10.** 440.01 (2) (cv) of the statutes is created to read:

23 440.01 (2) (cv) "Psychotherapy" has the meaning given in s. 457.01 (8m).

24 **SECTION 11.** 440.03 (14) (am) of the statutes is created to read:

1 440.03 (14) (am) The department may promulgate rules that establish
2 requirements for granting a license to practice psychotherapy to a person who is
3 registered under par. (a). Rules promulgated under this paragraph shall establish
4 requirements for obtaining such a license that are comparable to the requirements
5 for obtaining a clinical social worker, marriage and family therapist, or professional
6 counselor license under ch. 457. If the department promulgates rules under this
7 paragraph, the department shall grant a license under this paragraph to a person
8 registered under par. (a) who pays the fee specified in s. 440.05 (1) and provides
9 evidence satisfactory to the department that he or she satisfies the requirements
10 established in the rules.

11 **SECTION 12.** 440.03 (14) (b) of the statutes is amended to read:

12 440.03 (14) (b) A person who is registered under par. (a) shall notify the
13 department in writing within 30 days if an organization specified in par. (a) 1. a., 2.
14 a. or 3. a. revokes the person's certification, registration, or accreditation specified
15 in par. (a) 1. a., 2. a., or 3. a. The department shall revoke a certificate of registration
16 granted under par. (a) if such an organization revokes such a certification,
17 registration, or accreditation. If the department revokes the certificate of
18 registration of a person who also holds a license granted under the rules promulgated
19 under par. (am), the department shall also revoke the license.

20 **SECTION 13.** 440.03 (14) (c) of the statutes is amended to read:

21 440.03 (14) (c) The renewal dates for certificates granted under par. (a) and
22 licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal
23 applications shall be submitted to the department on a form provided by the
24 department and shall include the renewal fee specified in s. 440.08 (2) (a) and

1 evidence satisfactory to the department that the person's certification, registration,
2 or accreditation specified in par. (a) 1. a., 2. a. or 3. a. has not been revoked.

3 **SECTION 14.** 440.03 (14) (d) of the statutes is amended to read:

4 440.03 (14) (d) The department shall promulgate rules that specify the services
5 within the scope of practice of music, art, or dance therapy that a person who is
6 registered under par. (a) is qualified to perform. The rules may not allow a person
7 registered under par. (a) to perform psychotherapy unless the person is granted a
8 license under the rules promulgated under par. (am).

9 **SECTION 15.** 440.03 (14) (e) of the statutes is amended to read:

10 440.03 (14) (e) Subject to the rules promulgated under sub. (1), the department
11 may make investigations and conduct hearings to determine whether a violation of
12 this subsection or any rule promulgated under par. (d) has occurred and may
13 reprimand a person who is registered under par. (a) or holds a license granted under
14 the rules promulgated under par. (am) or may deny, limit, suspend, or revoke a
15 certificate of registration granted under par. (a) or a license granted under the rules
16 promulgated under par. (am) if it the department finds that the applicant or
17 certificate or license holder has violated this subsection or any rule promulgated
18 under par. (d).

19 **SECTION 16.** 440.03 (14) (f) of the statutes is amended to read:

20 440.03 (14) (f) A person who is registered under par. (a) or holds a license
21 granted under the rules promulgated under par. (am) who violates this subsection
22 or any rule promulgated under par. (d) may be fined not more than \$200 or
23 imprisoned for not more than 6 months or both.

24 **SECTION 17.** 440.08 (2) (a) 67x. of the statutes is created to read:

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

3 **SECTION 24.** 457.01 (1w) of the statutes is created to read:

4 457.01 (1w) "Credential" means a license or certificate granted under this
5 chapter.

6 **SECTION 25.** 457.01 (2) of the statutes is amended to read:

7 457.01 (2) "Examining board" means the marriage and family therapy,
8 professional counseling, and social work examining board ~~of social workers,~~
9 ~~marriage and family therapists and professional counselors.~~

10 **SECTION 26.** 457.01 (2g) of the statutes is created to read:

11 457.01 (2g) "Independent social worker" means an individual who holds an
12 independent social worker certificate granted by the social worker section.

13 **SECTION 27.** 457.01 (2r) of the statutes is created to read:

14 457.01 (2r) "Licensee" means a person who is licensed under this chapter.

15 **SECTION 28.** 457.01 (3) of the statutes is amended to read:

16 457.01 (3) "Marriage and family therapist" means an individual who ~~practices~~
17 holds a license to practice marriage and family therapy granted by the marriage and
18 family therapist section.

19 **SECTION 29.** 457.01 (7) of the statutes is amended to read:

20 457.01 (7) "Professional counselor" means an individual who ~~practices~~ holds
21 a license to practice professional counseling granted by the professional counselor
22 section.

23 **SECTION 30.** 457.01 (8e) of the statutes is created to read:

24 457.01 (8e) "Psychiatrist" means a physician licensed under subch. II of ch. 448
25 who specializes in psychiatry.

1 **SECTION 31.** 457.01 (8m) of the statutes is repealed and recreated to read:

2 **457.01 (8m)** “Psychotherapy” means the diagnosis and treatment of mental,
3 emotional, or behavioral disorders, conditions, or addictions through the application
4 of methods derived from established psychological or systemic principles for the
5 purpose of assisting people in modifying their behaviors, cognitions, emotions, and
6 other personal characteristics, which may include the purpose of understanding
7 unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

8 **SECTION 32.** 457.01 (9) of the statutes is amended to read:

9 **457.01 (9)** “Social work” means applying psychosocial, ~~psychotherapeutic~~ or
10 counseling principles, methods, or procedures in the assessment, evaluation, or
11 psychosocial ~~or psychotherapeutic~~ diagnosis, prevention, treatment, or resolution of
12 a difficulty in the social, psychological, personal, emotional, or mental disorder
13 functioning of an individual, couple, family, group of individuals, or community,
14 including the enhancement or restoration of, or the creation of societal conditions
15 favorable to the enhancement or restoration of, the capacity of an individual, couple,
16 family, group of individuals, or community for social functioning or the delivery of
17 services to a group of individuals or a community to assist the group or community
18 in providing or improving the provision of social or health services to others.

19 **SECTION 33.** 457.01 (10) of the statutes is amended to read:

20 **457.01 (10)** “Social worker” means an individual who ~~practices~~ holds a social
21 work worker certificate granted by the social worker section.

22 **SECTION 34.** 457.02 (1) to (5) of the statutes are amended to read:

23 **457.02 (1)** Require any individual to be certified or licensed under this chapter
24 in order to use the title “pastoral counselor”~~,”~~ “investment counselor”~~,”~~ “vocational
25 counselor”~~,”~~ “career counselor”~~,”~~ “alcohol and drug counselor”~~—or,”~~ “chemical

1 dependency counselor,” or “employee assistance counselor,” or to engage in such
2 counseling, if the individual does not use any other title or designation that
3 represents or may tend to represent that he or she is certified or licensed under this
4 chapter, and does not represent himself or herself as an individual who engages in
5 social work, advanced practice social work, independent social work, clinical social
6 work, marriage and family therapy, or professional counseling.

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

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

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

23 (5) Authorize any individual who is certified or licensed under this chapter to
24 use the title “alcohol and drug counselor” or “chemical dependency counselor” unless
25 the individual is certified as an alcohol and drug counselor or as a chemical

1 dependency counselor through a process recognized by the department of health and
2 family services.

3 **SECTION 35.** 457.02 (5m) of the statutes is created to read:

4 **457.02 (5m)** Authorize any individual who is certified or licensed under this
5 chapter to treat alcohol or substance dependency or abuse as a specialty unless the
6 individual is a substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm.
7 Code, or unless the individual satisfies educational and supervised training
8 requirements established in rules promulgated by the examining board. In
9 promulgating rules under this subsection, the examining board shall consider the
10 requirements for qualifying as a substance abuse counselor under s. HFS 75.02 (84),
11 Wis. Adm. Code.

12 **SECTION 36.** 457.02 (6) of the statutes is created to read:

13 **457.02 (6)** Require a credential for a person to do any of the following:

14 (a) Lawfully practice within the scope of a license, permit, registration, or
15 certificate granted by this state or the federal government, or granted through a
16 process recognized by the department of health and family services, including
17 practicing psychotherapy under such a license, permit, registration, or certificate.

18 (b) Practice psychotherapy, if the person satisfies one of the following:

19 1. The person is registered as music, art, or dance therapist under s. 440.03 (14)
20 (a) and the person holds a valid license granted by the department under s. 440.03
21 (14) (am).

22 2. The person is a mental health professional who meets all of the qualifications
23 under s. HFS 61.96, Wis. Adm. Code, for employment as a mental health professional
24 in an outpatient psychotherapy clinic certified by the department of health and
25 family services under s. HFS 61.95, Wis. Adm. Code, if the person's practice of

1 psychotherapy is a part of the duties for which he or she is employed by such a clinic
2 and the person practices psychotherapy solely within the confines of or under the
3 jurisdiction of the clinic.

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

8 **SECTION 37.** 457.03 (1), (2) and (3) of the statutes are amended to read:

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

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

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

7 (3) Upon the advice of the social worker section, promulgate rules establishing
8 levels of advanced social work practice for individuals with master's or doctoral
9 degrees in social work, in addition to the levels of practice for which certificates are
10 granted under s. 457.08 (2) ~~to (4)~~ and (3), and establishing appropriate educational,
11 training, experience, examination, and continuing education requirements for
12 certification and renewal of a certificate at each level of practice established in rules
13 promulgated under this subsection.

14 SECTION 38. 457.033 of the statutes is created to read:

15 **457.033 Psychometric testing.** The examining board marriage and family
16 therapy, professional counseling, and social work, and the psychology examining
17 board shall jointly promulgate rules that specify the different levels of psychometric
18 testing that an individual who is certified or licensed under this chapter is qualified
19 to perform. Such rules shall be consistent with the guidelines of the American
20 Psychological Association, or other nationally recognized guidelines, for performing
21 psychometric testing. A certificate holder or licensee may not engage in
22 psychometric testing except as provided under the rules promulgated under this
23 section.

24 SECTION 39. 457.035 of the statutes is created to read:

1 **457.035 Psychotherapy rules.** The examining board may not promulgate
2 rules under s. 457.03 that permit an individual to engage in psychotherapy unless
3 one of the following applies:

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

6 (2) The individual is certified as an advanced practice or independent social
7 worker and the individual engages in psychotherapy only under the supervision of
8 an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

9 **SECTION 40.** 457.04 (2), (3) and (4) of the statutes are amended to read:

10 457.04 (2) Use the title “advanced practice social worker” unless the person is
11 certified as an advanced practice social worker, ~~independent social worker or~~
12 ~~independent clinical social worker~~ under this chapter.

13 (3) Use the title “independent social worker” unless the person is certified as
14 an independent social worker ~~or independent clinical social worker~~ under this
15 chapter.

16 (4) Use Practice clinical social work or designate himself or herself as a clinical
17 social worker or use or assume the title “independent clinical social worker” or
18 “clinical social worker” or any other title or designation that represents or may tend
19 to represent the person as a clinical social worker unless the person is certified
20 licensed as an independent a clinical social worker under this chapter or unless the
21 person is certified under this chapter as an advanced practice social worker or
22 independent social worker and the person practices clinical social work under the
23 supervision of a person who is licensed as a clinical social worker under this chapter.

24 **SECTION 41.** 457.04 (5) of the statutes is amended to read:

1 457.04 (5) Use Practice marriage and family therapy or designate himself or
2 herself as a marriage and family therapist or use or assume the title “marriage and
3 family therapist”, “marriage and family counselor,” or any similar other title or
4 designation that represents or may tend to represent the person as a marriage and
5 family therapist unless any of the following applies:

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

8 (b) The person is certified licensed as an independent a clinical social worker
9 under this chapter and initially became certified as an independent clinical social
10 worker under this chapter ch. 457, 1999 stats., on or before May 31, 1995.

11 **SECTION 42.** 457.04 (6) of the statutes is amended to read:

12 457.04 (6) Use Practice professional counseling or designate himself or herself
13 as a professional counselor or use or assume the title “professional counselor”,
14 “professional rehabilitation counselor”, “vocational rehabilitation counselor” or,
15 “rehabilitation counselor” or any similar other title or designation that represents
16 or may tend to represent the person as a professional counselor unless the person is
17 certified licensed as a professional counselor under this chapter.

18 **SECTION 43.** 457.04 (7) of the statutes is created to read:

19 457.04 (7) Practice psychotherapy unless the person is licensed under this
20 chapter or unless the person is a certificate holder who may practice psychotherapy
21 under the rules promulgated under ss. 457.03 and 457.035.

22 **SECTION 44.** 457.06 (intro.) and (1) of the statutes are amended to read:

23 **457.06 General requirements for certification or licensure.** (intro.) The
24 social worker section, marriage and family therapist section, or professional

1 counselor section may not grant any certificate or license under this chapter unless
2 the applicant does all of the following:

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

5 SECTION 45. 457.08 (title) of the statutes is amended to read:

6 457.08 (title) **Social worker certificate and advanced practice**
7 **certificates and licenses.**

8 SECTION 46. 457.08 (4) (intro.) of the statutes is amended to read:

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

13 SECTION 47. 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)
14 and amended to read:

15 457.08 (4) (c) (intro.) Submits evidence satisfactory to the social worker section
16 that after receiving a master's or doctorate degree in social work he or she has
17 engaged in the equivalent of at least 2 years of full-time supervised 3,000 hours of
18 clinical social work practice approved by the social worker section, including at least
19 1,000 hours of face-to-face client contact, supervised by one of the following:

20 SECTION 48. 457.08 (4) (c) 1., 2., 3. and 4. of the statutes are created to read:

21 457.08 (4) (c) 1. An individual licensed as a clinical social worker who has
22 received a doctorate degree in social work.

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

25 3. A psychiatrist or a psychologist licensed under ch. 455.

1 4. An individual, other than an individual specified in subd. 1., 2., or 3., who
2 is approved by the social worker section or satisfies requirements for supervision
3 that are specified in rules promulgated by the examining board upon the advice of
4 the social worker section.

5 **SECTION 49.** 457.08 (4) (d) of the statutes is amended to read:

6 457.08 (4) (d) Passes an examination approved by the social worker section to
7 determine minimum competence to practice as ~~an independent~~ a clinical social
8 worker ~~as specified in the rules promulgated under s. 457.03 (2) or passes an~~
9 ~~advanced clinical social work examination approved by the social worker section.~~

10 **SECTION 50.** 457.09 (2) (a) of the statutes is amended to read:

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

14 **SECTION 51.** 457.09 (5) (a) of the statutes is amended to read:

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

18 **SECTION 52.** 457.10 (intro.) of the statutes is amended to read:

19 **457.10 Marriage and family therapist certificate license.** (intro.) The
20 marriage and family therapist section shall grant a marriage and family therapist
21 certificate license to any individual who does all of the following:

22 **SECTION 53.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and
23 amended to read:

24 457.10 (3) (intro.) Submits evidence satisfactory to the marriage and family
25 therapist section that after receiving a master's or doctorate degree required under

1 sub. (2) he or she has engaged in the equivalent of at least ~~2 years of full-time~~
2 ~~supervised clinical 3,000 hours of marriage and family therapy practice approved by~~
3 ~~the marriage and family therapist section, including at least 1,000 hours of~~
4 face-to-face client contact, supervised by one of the following:

5 SECTION 54. 457.10 (3) (a), (b), (c) and (d) of the statutes are created to read:

6 457.10 (3) (a) An individual licensed as a marriage and family therapist who
7 has received a doctorate degree in marriage and family therapy.

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

10 (c) A psychiatrist or a psychologist licensed under ch. 455.

11 (d) An individual, other than an individual specified in par. (a), (b), or (c), who
12 is approved by the marriage and family therapist section or satisfies requirements
13 for supervision that are specified in rules promulgated by the examining board upon
14 the advice of the marriage and family therapist section.

15 SECTION 55. 457.11 of the statutes is created to read:

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

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

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

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

23 (d) Submits evidence satisfactory to the marriage and family therapist section
24 that he or she is employed full-time, or has an offer of full-time employment, as a
25 marriage and family therapist in a supervised marriage and family therapist

1 practice or in a position in which the applicant will, in the opinion of the marriage
2 and family therapist section, receive training and supervision equivalent to the
3 training and supervision received in a full-time supervised marriage and family
4 therapist practice.

5 (2) A marriage and family therapist training certificate is valid for 24 months
6 or until the date on which the holder of the certificate ceases to be employed in a
7 position specified in sub. (1) (d), whichever occurs first, and may not be renewed by
8 the marriage and family therapist section. A marriage and family therapist training
9 certificate authorizes the holder to use any title specified in s. 457.04 (5) and to
10 practice marriage and family therapy within the scope of his or her training or
11 supervision during the period in which the certificate is valid.

12 **SECTION 56.** 457.12 (intro.) of the statutes is amended to read:

13 **457.12 Professional counselor ~~certificate~~ license.** (intro.) The
14 professional counselor section shall grant a professional counselor ~~certificate~~ license
15 to any individual who does all of the following:

16 **SECTION 57.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)
17 and amended to read:

18 **457.12 (3) (a) (intro.)** After receiving a master's degree in professional
19 counseling or its equivalent, engaged in the equivalent of at least ~~2 years of full-time~~
20 supervised clinical 3,000 hours of professional counseling practice approved by the
21 professional counselor section, including at least 1,000 hours of face-to-face client
22 contact, supervised by one of the following:

23 **SECTION 58.** 457.12 (3) (a) 1., 2., 3. and 4. of the statutes are created to read:

24 **457.12 (3) (a) 1.** An individual licensed as a professional counselor who has
25 received a doctorate degree in professional counseling.

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

3 3. A psychiatrist or a psychologist licensed under ch. 455.

4 4. An individual, other than an individual specified in subd. 1., 2., or 3., who
5 is approved by the professional counselor section or satisfies requirements for
6 supervision that are specified in rules promulgated by the examining board upon the
7 advice of the professional counselor section.

8 **SECTION 59.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.)
9 and amended to read:

10 457.12 (3) (b) (intro.) ~~After receiving~~ Received a doctorate degree in
11 professional counseling or its equivalent, and, either during or after the doctorate
12 degree program or its equivalent, engaged in the equivalent of at least one year 1,000
13 hours of full-time supervised clinical professional counseling practice approved by
14 the professional counselor section, supervised by one of the following:

15 **SECTION 60.** 457.12 (3) (b) 1., 2., 3. and 4. of the statutes are created to read:

16 457.12 (3) (b) 1. An individual licensed as a professional counselor who has
17 received a doctorate degree in professional counseling.

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

20 3. A psychiatrist or a psychologist licensed under ch. 455.

21 4. An individual, other than an individual specified in subd. 1., 2., or 3., who
22 is approved by the professional counselor section or satisfies requirements for
23 supervision that are specified in rules promulgated by the examining board upon the
24 advice of the professional counselor section.

25 **SECTION 61.** 457.13 (2) of the statutes is amended to read:

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

8 **SECTION 62.** 457.14 of the statutes is renumbered 457.14 (1) (intro.) and
9 amended to read:

10 **457.14 Temporary certificates.** (1) (intro.) Upon application and payment
11 of the fee specified in s. 440.05 (6), the appropriate section of the examining board
12 may grant a temporary social worker, advanced practice social worker, independent
13 social worker, clinical social worker, marriage and family therapist, or professional
14 counselor certificate or license to any individual who ~~satisfies~~ does one of the
15 following:

16 (a) Satisfies the requirements under s. 457.08 (1) (a) and (b), ~~457.10 (1) to (3)~~
17 ~~or 457.12 (1) to (3)~~ and has submitted an application to take the next available
18 examination for certification under s. 457.08 (1) (c), ~~457.10 (4) or 457.12 (4)~~.

19 (2) A temporary certificate granted under ~~this section~~ sub. (1) is valid for a
20 period designated by the appropriate section of the examining board, not to exceed
21 9 months, and may be renewed once by that section of the examining board.

22 **SECTION 63.** 457.14 (1) (b), (c), (d), (e) and (f) of the statutes are created to read:

23 457.14 (1) (b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has
24 submitted an application to take the next available examination for certification
25 under s. 457.08 (2) (c).

1 (c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted
2 an application to take the next available examination for certification under s.
3 457.08 (3) (d).

4 (d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted
5 an application to take the next available examination for licensure under s. 457.08
6 (4) (d).

7 (e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an
8 application to take the next available examination for licensure under s. 457.10 (4).

9 (f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an
10 application to take the next available examination for licensure under s. 457.12 (4).

11 **SECTION 64.** 457.15 (title) of the statutes is amended to read:

12 **457.15 (title) Reciprocal certificates and licenses.**

13 **SECTION 65.** 457.15 (1) (intro.) of the statutes is amended to read:

14 457.15 (1) (intro.) Upon application and payment of the fee specified in s.
15 440.05 (2), the social worker section ~~shall~~ may do all of the following:

16 **SECTION 66.** 457.15 (1) (a) of the statutes is amended to read:

17 457.15 (1) (a) Grant a social worker certificate to any individual who holds a
18 similar certificate in another state or territory of the United States and who passes
19 an examination approved by the social worker section that tests knowledge of state
20 law relating to social work, if the social worker section determines that the
21 requirements for obtaining the certificate in the other state or territory are
22 substantially equivalent to the requirements under s. 457.08 (1).

23 **SECTION 67.** 457.15 (1) (b) of the statutes is amended to read:

24 457.15 (1) (b) Grant an advanced practice social worker certificate to any
25 individual who is ~~certified under par. (a) or under s. 457.08 (1) and who~~ holds a

1 similar certificate in another state or territory of the United States and who passes
2 an examination approved by the social worker section that tests knowledge of state
3 law relating to advanced practice social work, if the social worker section determines
4 that the requirements for obtaining the certificate in the other state or territory are
5 substantially equivalent to the requirements under s. 457.08 (2).

6 **SECTION 68.** 457.15 (1) (c) of the statutes is amended to read:

7 457.15 (1) (c) Grant an independent social worker certificate to any individual
8 who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a similar
9 certificate in another state or territory of the United States and who passes an
10 examination approved by the social worker section that tests knowledge of state law
11 relating to independent social work, if the social worker section determines that the
12 requirements for obtaining the certificate in the other state or territory are
13 substantially equivalent to the requirements under s. 457.08 (3).

14 **SECTION 69.** 457.15 (1) (d) of the statutes is amended to read:

15 457.15 (1) (d) Grant ~~an independent a~~ clinical social worker certificate license
16 to any individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds
17 a similar certificate or license in another state or territory of the United States and
18 who passes an examination approved by the social worker section that tests
19 knowledge of state law relating to clinical social work, if the social worker section
20 determines that the requirements for obtaining the certificate or license in the other
21 state or territory are substantially equivalent to the requirements under s. 457.08
22 (4).

23 **SECTION 70.** 457.15 (2) of the statutes is amended to read:

24 457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2),
25 the marriage and family therapist section ~~shall~~ may grant a marriage and family

1 therapist ~~certificate~~ license to any individual who holds a similar certificate or
2 license in another state or territory of the United States and who passes an
3 examination approved by the marriage and family therapist section that tests
4 knowledge of state law relating to marriage and family therapy, if the marriage and
5 family therapist section determines that the requirements for obtaining the
6 certificate or license in the other state or territory are substantially equivalent to the
7 requirements under s. 457.10.

8 SECTION 71. 457.15 (3) of the statutes is amended to read:

9 457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),
10 the professional counselor section ~~shall~~ may grant a professional counselor
11 ~~certificate~~ license to any individual who holds a similar certificate or license in
12 another state or territory of the United States and who passes an examination
13 approved by the professional counselor section that tests knowledge of state law
14 relating to professional counseling, if the professional counselor section determines
15 that the requirements for obtaining the certificate or license in the other state or
16 territory are substantially equivalent to the requirements under s. 457.12.

17 SECTION 72. 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 73. 457.16 (2) of the statutes is amended to read:

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 74.** 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.), and (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10
10 (1) ~~to (3) and (2),~~ or 457.12 (1) ~~to (3) and (2)~~ and, at least 30 days before the date of
11 the examination, submits an application for examination to the department on a
12 form provided by the department and pays the fee specified in s. 440.05 (1).

13 **SECTION 75.** 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~~ training certificates or
18 temporary certificates or licenses, are specified under s. 440.08 (2) (a).

19 **SECTION 76.** 457.20 (3) (c) of the statutes is amended to read:

20 457.20 (3) (c) If the application is for renewal of a professional counselor
21 certificate license that was originally granted as a professional counselor certificate
22 under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the
23 professional counselor section that the applicant continues to be employed by a
24 federal, state, or local governmental agency as a professional counselor, professional

1 rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation
2 counselor.

3 SECTION 77. 457.20 (4) of the statutes is amended to read:

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

10 SECTION 78. 457.22 of the statutes is renumbered 457.22 (1) (intro.) and
11 amended to read:

12 457.22 (1) (intro.) The examining board may ~~promulgate~~ do any of the
13 following:

14 (a) Upon the advice of the social worker section, promulgate rules establishing
15 requirements and procedures for ~~certificate holders~~ social workers, advanced
16 practice social workers, independent social workers, and clinical social workers to
17 complete continuing education programs or courses of study in order to qualify for
18 renewal.

19 (2) The rules promulgated under sub. (1) may not require an individual to
20 complete more than 30 hours of continuing education programs or courses of study
21 in order to qualify for renewal. The appropriate section of the examining board may
22 waive all or part of the requirements established in rules promulgated under this
23 section if it determines that prolonged illness, disability, or other exceptional
24 circumstances have prevented the individual from completing the requirements.

25 SECTION 79. 457.22 (1) (b) and (c) of the statutes are created to read:

1 457.22 (1) (b) Upon the advice of the marriage and family therapist section,
2 promulgate rules establishing requirements and procedures for marriage and family
3 therapists to complete continuing education programs or courses of study in order
4 to qualify for renewal.

5 (c) Upon the advice of the professional counselor section, promulgate rules
6 establishing requirements and procedures for professional counselors to complete
7 continuing education programs or courses of study in order to qualify for renewal.

8 **SECTION 80.** 457.24 of the statutes is created to read:

9 **457.24 Professional liability insurance.** (1) Except as provided in sub. (2),
10 a person licensed as a clinical social worker, marriage and family therapist, or
11 professional counselor under this chapter may not practice clinical social work,
12 marriage and family therapy, or professional counseling unless he or she has in effect
13 professional liability insurance. The examining board shall promulgate rules
14 establishing the minimum amount of insurance required under this subsection.

15 (2) Subsection (1) does not apply to a person practicing clinical social work,
16 marriage and family therapy, or professional counseling as an employee of a federal,
17 state, or local governmental agency, if the practice is part of the duties for which he
18 or she is employed and is solely within the confines of or under the jurisdiction of the
19 agency by which he or she is employed.

20 **SECTION 81.** 457.25 of the statutes is amended to read:

21 **457.25 Reporting requirements.** (1) Any public or private mental health
22 or health care agency, institution or facility, or any other person or entity that
23 employs or contracts for services with a ~~certificate~~ credential holder, that terminates,
24 suspends, or restricts the employment or contract of the ~~certificate~~ credential holder
25 as a result of adverse or disciplinary action against the ~~certificate~~ credential holder

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

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

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

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

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 82. 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 83. 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 84. 457.26 (2) (g) of the statutes is amended to read:

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

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

3 SECTION 85. 457.30 of the statutes is repealed.

4 SECTION 86. 905.04 (1) (bm) of the statutes is amended to read:

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

8 SECTION 87. 905.04 (1) (dm) of the statutes is amended to read:

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

12 SECTION 88. 905.04 (1) (g) of the statutes is amended to read:

13 905.04 (1) (g) “Social worker” means an individual who is certified or licensed
14 as a social worker, advanced practice social worker, independent social worker, or
15 clinical social worker under ch. 457 or an individual reasonably believed by the
16 patient to be a social worker, advanced practice social worker, independent social
17 worker, or clinical social worker.

18 SECTION 89. **Nonstatutory provisions.**

19 (1) DEFINITIONS. In this SECTION:

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

21 (b) “Examining board” means the marriage and family therapy, professional
22 counseling, and social work examining board.

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

AA1
1 as a member of the examining board until the end of his or her appointed term, except
2 ~~for a member whose appointed term expires on or before January 1, 2002.~~ AA1

3 (3) TRANSITIONAL PROVISIONS.

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

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

14 2. The marriage and family therapist section of the examining board shall
15 grant a marriage and family therapist license under section 457.10 of the statutes,
16 as affected by this act, to any person who holds a valid marriage and family therapist
17 certificate that was granted by the marriage and family therapy section of the
18 examining board before the effective date of this subdivision.

19 3. The professional counselor section of the examining board shall grant a
20 professional counselor license under section 457.12 of the statutes, as affected by this
21 act, to any person who holds a valid professional counselor certificate that was
22 granted by the professional counselor section of the examining board before the
23 effective date of this subdivision.

24 4. The appropriate section of the examining board shall grant a temporary
25 social worker, marriage and family therapist, or professional counselor license under

1 section 457.14 (1) of the statutes, as affected by this act, to any person who holds a
2 valid temporary social worker, marriage and family therapist, or professional
3 counselor certificate that was granted by that section of the examining board before
4 the effective date of this subdivision. A temporary license granted pursuant to this
5 subdivision is valid only for the period of time designated by the section of the
6 examining board for the temporary certificate granted to the person. If the
7 temporary certificate was renewed once by the section, the temporary license may
8 not be renewed.

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

12 **SECTION 90. Effective date.**

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

15 (END)

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 206**

November 8, 2001 - Offered by Representative URBAN.

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓1. Page 7, line 2: delete "\$56" and substitute "\$53".

3 ✓2. Page 13, line 15: delete "examining board".

4 ✓3. Page 13, line 16: after "social work" insert "examining board".

5 ✓4. Page 32, line 1: delete "term, except" and substitute "term.".

6 ✓5. Page 32, line 2: delete that line.

7 (END)