

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0746/2dn
MDK:cjs:pg

February 12, 2001

Representative Urban:

This version of the bill, which is based on instructions from Dismas Becker, is identical to the previous version, except for the following:

1. The changes to s. 440.03 (14), stats., and the proposed creation of s. 457.02 (6) (b) 1. deal with music, art, and dance therapists.
2. This version makes the minor requested changes to the definition of "psychotherapy."
3. Proposed s. 457.02 (6) (b) 2. creates an exception for mental health professionals that is similar to the exception under s. 455.02 (2m) (L), stats.
4. Proposed s. 457.03 (4), (5), and (6) (dealing with educational standards) from the previous version have been deleted from this version because they are duplicative of the proposed amendment of s. 457.03 (1), stats.
5. Proposed s. 457.03 (7), (8), and (9) from the previous version are deleted because they are duplicative of the requirement for a code of ethics in s. 457.03 (2), stats.
6. Section 457.03 (3), stats., is amended to eliminate the reference to "advanced" social work practice and to refer instead to individuals with master's or doctoral degrees in social work.
7. Proposed s. 457.033 requires that the rules on psychometric testing be jointly promulgated with the psychology examining board. Also, the rules must be consistent with the guidelines of the American Psychological Association or other nationally recognized guidelines.
8. Proposed s. 457.04 (2) is revised to refer only to certified advanced practice social workers and proposed s. 457.04 (3) is revised to refer only to certified independent social workers.
9. Proposed s. 457.04 (4) is revised to include an exception for advanced practice social workers and independent social workers who are supervised by clinical social workers.
10. Section 457.09 (5) (a), stats., is amended to allow the holder of a social worker training certificate take the examination required for a regular certificate before or after satisfying the education and training requirements.

11. The references to 3,000 hours of supervised practice have been revised to specify that they include at least 1,000 hours of face-to-face client contact. Note that I did not make any change to the requirement for 1,000 hours of supervised practice under the proposed amendment of s. 457.12 (3) (b) (intro.), except to require the hours to be completed during or after a doctorate degree program. Is that okay?
12. The supervision requirements include an individual who is approved by a section of the examining board or satisfies requirements specified in rules. Also, the supervision requirements are no longer prioritized.
13. Section 457.14, stats., is amended to accomplish the same thing as 1999 LRB-3388/1.
14. The reciprocal license provisions are amended to require an applicant to take an examination.
15. Section 457.16 (3), stats., is revised to allow an applicant for a marriage and family therapist or professional counselor license to take the examination required for licensure before he or she satisfies the supervised clinical experience.
16. The proposed amendment of s. 457.20 (2), stats., refers to training certificates, as well as temporary certificates or licenses.
17. Proposed s. 457.24 requires licensees to have professional liability insurance. Is it okay, or should certified social workers, advanced practice social workers, and independent social workers also have insurance?
18. Proposed s. 457.26 (3) is created to allow a section of the examining board to appoint a panel of credential holders to advise the section on investigations, hearings, and disciplinary action against a person with the same credential. Note that I did not give the panel the power, by itself, to do these things. If you want to give the panel such power, then you have to create a new type of governmental entity in ch. 15, stats., and I assumed that you don't want to do that. Under current law, only a board has substantive powers to regulate a profession. However, a board may appoint persons to advise it. I tried to fit your request into this framework under current law.
19. Section 905.04 (1) (g), stats., is amended to clarify the meaning of "social worker" for purposes of the privilege under that section.
20. The reference to temporary independent clinical social worker licenses in the grandfather provisions has been corrected. Also, the grandfather provision regarding reciprocal licenses has been eliminated.

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