

Bu MONDAY
all 2,
if possible

D-NOTE

2001 BILL

2

marks

Repeal

1 AN ACT *to renumber* 457.01 (1); *to renumber and amend* 15.405 (7c) (a), 457.08
2 (4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b) and 457.22; *to amend* 15.08 (1m),
3 (b), 15.405 (7c) (c), 40.51 (8), 40.51 (8m), 60.23 (25), 66.0137 (4), 120.13 (2) (g),
4 146.81 (1) (hg), 180.1901 (1m) (f), 185.981 (4t), 185.983 (1) (intro.), 252.14 (1)
5 (ar) 7., 450.10 (3) (a) 10., 457.01 (2), 457.01 (3), 457.01 (7), 457.01 (9), 457.01
6 (10), 457.02 (1) to (5), 457.03 (1), (2) and (3), 457.04 (1) to (4), 457.04 (5), 457.04
7 (6), 457.06 (intro.) and (1), 457.08 (title), 457.08 (4) (intro.), 457.08 (4) (d), 457.09
8 (2) (a), 457.10 (intro.), 457.12 (intro.), 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), 457.25, 457.26 (2) (intro.), (a) and (b), 457.26 (2)
11 (e), 457.26 (2) (f), 457.26 (2) (g), 609.655 (3) (a), 632.87 (1), 905.04 (1) (bm) and
12 905.04 (1) (dm); *to repeal and recreate* 15.405 (7c) (title), chapter 457 (title)
13 and 457.01 (8m); and *to create* 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 3.,
14 111.91 (2) (pm), 457.01 (1c), 457.01 (1n), 457.01 (1r), 457.01 (1w), 457.01 (2g),

BILL

and art, music, and dance therapists,

1 457.01 (2r), 457.01 (8e), 457.02 (6), 457.03 (4), (5) and (6), 457.03 (7), (8) and (9),
 2 457.03 (10) and (11), 457.03 (12), 457.035, 457.04 (7), 457.08 (4) (c) 1., 2. and 3.,
 3 457.10 (3) (a), (b) and (c), 457.11, 457.12 (3) (a) 1., 2. and 3., 457.12 (3) (b) 1., 2.
 4 and 3., 457.22 (1) (b) and (c), 457.23, 609.71, 632.87 (6) and 632.89 (1) (e) 4. of
 5 the statutes; **relating to:** regulation of social workers, advanced practice social
 6 workers, independent social workers, clinical social workers, marriage and
 7 family therapists, ~~and~~ professional counselors, insurance coverage for services
 8 provided by clinical social workers, marriage and family therapists, and
 9 professional counselors, ~~and~~ granting rule-making authority.

and providing a penalty

Analysis by the Legislative Reference Bureau

and art, music, and dance therapists

This bill does the following: 1) makes changes to the regulation of social workers, marriage and family therapists, ~~and~~ professional counselors; and 2) under certain circumstances, requires insurers and group health plans to cover services provided by clinical social workers, marriage and family therapists, and professional counselors.

Regulation of social workers, marriage and family therapists, and professional counselors

and art, music, and dance therapists (B)

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

BILL

INSERT 3A

the following: 1)

2)

STEF

The bill 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, 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.

INSERT 3B

The eligibility requirements for a license under the bill are the same as the requirements for a certificate under current law, ~~except for the requirement that~~ an applicant for a clinical social worker or marriage and family therapist license must have two years of supervised clinical experience approved by the examining board. Under current law, an applicant for a professional counselor certificate who has a master's degree must also have two years of supervised clinical experience, but an applicant with a doctorate degree must have one year.

INSERT 3C

INSERT 3E

This bill requires 3,000 hours of supervised experience, not two years, for clinical social worker and marriage and family therapist license applicants and for professional counselor license applicants who have a master's degree. The bill ~~does not change~~ the one year required for professional counselor license applicants who have a doctorate degree. In addition, for all license applicants, the bill requires that the experience must be supervised by one of the following: 1) a person with the same license who has a doctorate degree; 2) ~~if the first type of supervision is not practicable~~ a person with same license who has five years experience; or 3) ~~if the second type of supervision is not practicable~~ a psychiatrist or psychologist.

INSERT 3D

INSERT 3F

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 a licensed clinical social worker, marriage and family therapist, or professional counselor who treats an individual and determines that the individual requires additional treatment that is outside the licensee's scope of practice to refer the individual to a health care practitioner who is authorized to

BILL

INSERT 4B

provide the additional treatment. Alternatively, the licensee may consult with such a health care practitioner. If the licensee does not refer or consult, the licensee may not continue to treat the individual.

2. The bill requires the examining board to ^{jointly} promulgate rules ^{with the psychology} 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. ^{examining board}

3. The bill creates a marriage and family therapist training certificate.

Insurer and group health plan requirements

Current law prohibits an insurer from refusing to provide or pay for health care services provided by a licensed health care professional on the ground that the services were not provided by a physician, unless the insurance policy clearly excludes coverage of services provided by the health care professional. In addition, current law prohibits an insurer from excluding coverage of the services of certain specified health care professionals, such as chiropractors and dentists, if the insurance policy covers those same services, or services for the treatment of the same condition, when provided by a physician or another health care provider. The bill prohibits an insurer from excluding coverage of psychotherapy services provided by a licensed clinical social worker, marriage and family therapist, or professional counselor, within the scope of his or her license, if the insurance policy, plan, or contract covers psychotherapy services provided by another health care provider.

Also under current law, a group health plan that provides coverage of any outpatient treatment is required to provide coverage for an insured under the plan of at least \$2,000, minus any applicable cost sharing, of outpatient services for the treatment of nervous or mental disorders or alcoholism or other drug abuse problems. Outpatient services are defined as nonresidential services that are provided to an insured: 1) in an outpatient treatment facility or a physician's office by a licensed physician who has completed a residency in psychiatry; 2) by a licensed psychologist who is listed in the National Register of Health Service Providers in Psychology or who is certified by the American Board of Professional Psychology; or 3) by a program in an outpatient treatment facility approved by ~~the department of health and family services~~. ^{DHFS} The bill adds that outpatient services are also nonresidential services that are provided to an insured by a licensed clinical social worker, marriage and family therapist, or professional counselor, thus requiring a group health plan to include nonresidential treatment of nervous or mental disorders or alcoholism or other drug abuse problems by a licensed clinical social worker, marriage and family therapist, or professional counselor within the \$2,000 minimum amount of coverage that the plan must provide for outpatient services for the treatment of those conditions.

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:

BILL

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

2 15.08 (1m) (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, respiratory care practitioners examining council, and council on
5 physician assistants, the board of nursing, the nursing home administrator
6 examining board, the veterinary examining board, the optometry examining board,
7 the pharmacy examining board, the marriage and family therapy, professional
8 counseling, and social work examining board ~~of social workers, marriage and family~~
9 ~~therapists and professional counselors,~~ and the psychology examining board shall
10 not be engaged in any profession or occupation concerned with the delivery of
11 physical or mental health care.

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

13 15.405 (7c) (title) MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
14 SOCIAL WORK EXAMINING BOARD.

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

17 15.405 (7c) (a) (intro.) There is created ~~an~~ a marriage and family therapy,
18 professional counseling, and social work examining board ~~of social workers,~~
19 ~~marriage and family therapists and professional counselors~~ in the department of
20 regulation and licensing. ~~The~~ consisting of the following members of the examining
21 board shall be appointed for 4-year terms. ~~Four:~~

22 1. Four social worker members shall be who are certified or licensed under ch.
23 457 ~~as social workers.~~ ~~Three members shall be certified under ch. 457 as,~~

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

BILL**SECTION 3**

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

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

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

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

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

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

13 15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall
14 consist of the following:

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

16 15.405 (7c) (am) 3. One member who is licensed under ch. 457 as a clinical
17 social worker.

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

19 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
20 suspending, or revoking a certificate or license under ch. 457, and all other matters
21 of interest to either the social worker, marriage and family therapist, or professional
22 counselor section shall be acted upon solely by the interested section of the
23 examining board.

24 **SECTION 7.** 40.51 (8) of the statutes is amended to read:

BILL

1 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
3 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
4 ~~(5) (6)~~, 632.895 (5m) and (8) to (14), and 632.896.

5 **SECTION 8.** 40.51 (8m) of the statutes is amended to read:

6 40.51 (8m) Every health care coverage plan offered by the group insurance
7 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
8 632.748, 632.83, 632.835, 632.85, 632.87 (6), 632.853, 632.855, and 632.895 (11) to
9 (14).

10 **SECTION 9.** 60.23 (25) of the statutes is amended to read:

11 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
12 officers and employees on a self-insured basis if the self-insured plan complies with
13 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,
14 632.853, 632.855, 632.87 (4) ~~and~~, (5), and (6), 632.895 (9) and (11) to (14), and
15 632.896.

16 **SECTION 10.** 66.0137 (4) of the statutes is amended to read:

17 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
18 a village provides health care benefits under its home rule power, or if a town
19 provides health care benefits, to its officers and employees on a self-insured basis,
20 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
21 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) ~~and~~,
22 (5), and (6), 632.895 (9) to (14), 632.896, and 767.25 (4m) (d).

23 **SECTION 11.** 111.91 (2) (pm) of the statutes is created to read:

24 111.91 (2) (pm) The requirements related to coverage of psychotherapy services
25 under s. 632.87 (6).

BILL

1 **SECTION 12.** 120.13 (2) (g) of the statutes is amended to read:

2 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
3 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
4 632.85, 632.853, 632.855, 632.87 (4) ~~and, (5), and (6)~~, 632.895 (9) to (14), 632.896, and
5 767.25 (4m) (d).

6 **SECTION 13.** 146.81 (1) (hg) of the statutes is amended to read:

7 146.81 (1) (hg) A social worker, marriage and family therapist, or professional
8 counselor certified or licensed under ch. 457.

9 **SECTION 14.** 180.1901 (1m) (f) of the statutes is amended to read:

10 180.1901 (1m) (f) ~~Examining Marriage and family therapy, professional~~
11 ~~counseling, and social work examining~~ board of social workers, marriage and family
12 therapists and professional counselors under ch. 457.

13 **SECTION 15.** 185.981 (4t) of the statutes is amended to read:

14 185.981 (4t) A sickness care plan operated by a cooperative association is
15 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
16 632.853, 632.855, 632.87 (2m), (3), (4) ~~and, (5), and (6)~~, 632.895 (10) to (14), and
17 632.897 (10) and chs. 149 and 155.

18 **SECTION 16.** 185.983 (1) (intro.) of the statutes is amended to read:

19 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
20 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
21 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
22 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
23 632.855, 632.87 (2m), (3), (4) ~~and, (5), and (6)~~, 632.895 (5) and (9) to (14), 632.896, and
24 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
25 shall:

BILL

INSERT 9-3

SECTION 17. 252.14 (1) (ar) 7. of the statutes is amended to read:

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

SECTION 18. 450.10 (3) (a) 10. of the statutes is amended to read:

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

SECTION 19. Chapter 457 (title) of the statutes is repealed and recreated to read:

CHAPTER 457

MARRIAGE AND FAMILY THERAPY,

PROFESSIONAL COUNSELING,

AND SOCIAL WORK EXAMINING BOARD

SECTION 20. 457.01 (1) of the statutes is renumbered 457.01 (1g).

SECTION 21. 457.01 (1c) of the statutes is created to read:

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

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

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

SECTION 23. 457.01 (1r) of the statutes is created to read:

BILL

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.

BILL

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

2 457.01 (8m) "Psychotherapy" means the diagnosis ~~and~~ ^{and} treatment of mental,
3 emotional, or behavioral disorders, conditions, or addictions through the application
4 of methods derived from established ~~psychological~~ ^{or systematic} principles for the purpose of
5 assisting people in modifying their behaviors, cognitions, emotions, ~~and~~ ^{and} other personal
6 characteristics, which may include the purpose of understanding unconscious
7 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

BILL

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 title
17 “marriage and family therapist”, “marriage and family counselor”, or “professional
18 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

BILL

INSEPT 13-7

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

3 **SECTION 35.** 457.02 (6) of the statutes is created to read:

4 457.02 (6) Require a credential for a person to do any of the following:

5 (a) Lawfully practice within the scope of a license, permit, registration, or
6 certificate granted by this state or the federal government, including practicing
7 psychotherapy under such a license, permit, registration, or certificate.

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

12 **SECTION 36.** 457.03 (1), (2) and (3) of the statutes are amended to read:

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

21 (2) Upon the advice of the social worker section, marriage and family therapist
22 section, and professional counselor section, promulgate rules establishing a code of
23 ethics to govern the professional conduct of certificate holders. The rules shall
24 specify the services included within the practice of social work, advanced practice
25 social work, or independent social work that an individual who is certified under this

BILL

1 chapter as a social worker, advanced practice social worker, or independent social
2 worker ~~or independent clinical social worker is qualified to~~ may perform and the
3 degree of supervision, if any, required to perform those services. ~~The rules may not~~
4 ~~permit a certificate holder to engage in psychotherapy unless the individual is~~
5 ~~certified under this chapter as an advanced practice social worker, independent~~
6 ~~social worker, independent clinical social worker, marriage and family therapist or~~
7 ~~professional counselor and has engaged in the equivalent of at least 2 years of~~
8 ~~full-time supervised social work, marriage and family therapy or professional~~
9 ~~counseling clinical practice after receiving the master's or doctorate degree required~~
10 ~~under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).~~

11 (3) Upon the advice of the social worker section, promulgate rules establishing
12 levels of ~~advanced~~ ^{State} social work practice, ^{INSERT 14-12} in addition to the levels of practice for which
13 certificates are granted under s. 457.08 (2) ~~to (4)~~ and (3), and establishing
14 appropriate educational, training, experience, examination, and continuing
15 education requirements for certification and renewal of a certificate at each level of
16 practice established in rules promulgated under this subsection.

17 ~~SECTION 37. 457.03 (4), (5) and (6) of the statutes are created to read:~~

18 ~~457.03 (4) Upon the advice of the social worker section, promulgate rules~~
19 ~~establishing minimum standards for educational programs that must be completed~~
20 ~~for licensure as clinical social workers under this chapter and approve educational~~
21 ~~programs in accordance with those standards.~~

22 ~~(5) Upon the advice of the marriage and family therapist section, promulgate~~
23 ~~rules establishing minimum standards for educational programs that must be~~
24 ~~completed for licensure as marriage and family therapists under this chapter and~~
25 ~~approve educational programs in accordance with those standards.~~

BILL

1 (6) Upon the advice of the professional counselor section, promulgate rules
 2 establishing minimum standards for educational programs that must be completed
 3 for licensure as professional counselors under this chapter and approve educational
 4 programs in accordance with those standards.

5 SECTION 38. 457.03 ⁽⁷⁾ ~~(8)~~ and ~~(9)~~ ⁽⁴⁾ of the statutes are created to read:

6 457.03 ⁽⁷⁾ ~~(8)~~ Upon the advice of the social worker section, promulgate rules
 7 establishing a code of ethics to govern the professional conduct of ~~social workers~~

8 ~~social workers~~ ^{credential holders}
 9 (8) Upon the advice of the marriage and family therapist section, promulgate
 10 rules establishing a code of ethics to govern the professional conduct of marriage and
 11 family therapists.

12 (9) ^{and} Upon the advice of the professional counselor section, promulgate rules
 13 establishing a code of ethics to govern the professional conduct of professional
 14 counselors.

15 SECTION 39. 457.03 ⁽¹⁰⁾ ~~(10)~~ and ⁽¹¹⁾ ~~(11)~~ of the statutes ^{is} are created to read:

16 457.03 ⁽¹⁰⁾ ~~(10)~~ Promulgate rules that specify the different levels of psychometric
 17 testing that an individual who is certified or licensed under this chapter is qualified
 18 to perform. ^{INSERT 15-18} A certificate holder or licensee may not engage in psychometric testing
 19 except as provided under the rules promulgated under this subsection.

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

22 3.

23 SECTION 40. 457.03 ⁽¹²⁾ ~~(12)~~ of the statutes is created to read:

24 457.03 ⁽¹²⁾ ~~(12)~~ Upon the advice of the appropriate section of the examining board,
 25 promulgate rules for an applicant for a license to show that supervision is not

BILL

INSERT
16-3

~~16-3~~

~~16-3~~

1
2

~~practicable for purposes of s. 457.08 (4) (c), 457.10 (8), and 457.12~~

~~(5) (a) and (b)~~

SECTION 41. 457.035 of the statutes is created to read:

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

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

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

SECTION 42. 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

20
21
22

BILL

Strike

1 unless the person is certified ~~licensed~~ as an independent social worker ~~of~~
2 independent ~~clinical social worker~~ under this chapter.

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

INSERT
17-7

8 SECTION 43. 457.04 (5) of the statutes is amended to read:

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

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

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

19 SECTION 44. 457.04 (6) of the statutes is amended to read:

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

BILL

1 SECTION 45. 457.04 (7) of the statutes is created to read:

2 457.04 (7) Practice psychotherapy unless the person is licensed under this
3 chapter or unless the person is a certificate holder who may practice psychotherapy
4 under the rules promulgated under ss. 457.03 and 457.035.

5 SECTION 46. 457.06 (intro.) and (1) of the statutes are amended to read:

6 **457.06 General requirements for certification or licensure.** (intro.) The
7 social worker section, marriage and family therapist section, or professional
8 counselor section may not grant any certificate or license under this chapter unless
9 the applicant does all of the following:

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

12 SECTION 47. 457.08 (title) of the statutes is amended to read:

13 **457.08 (title) Social worker certificate and advanced practice**
14 **certificates and licenses.**

15 SECTION 48. 457.08 (4) (intro.) of the statutes is amended to read:

16 457.08 (4) ~~INDEPENDENT CLINICAL~~ CLINICAL SOCIAL WORKER ~~CERTIFICATE~~ LICENSE.
17 (intro.) The social worker section shall grant ~~an independent~~ a clinical social worker
18 certificate license to any individual who is certified under sub. (1) and does all of the
19 following:

20 SECTION 49. 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)
21 and amended to read:

22 457.08 (4) (c) (intro.) Submits evidence satisfactory to the social worker section
23 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~~ 3,000 hours of

BILL

INSERT 19-4

INSERT 19-1

1 clinical social work practice approved by the social worker section, supervised by one
2 of the following:

3 SECTION 50. 457.08 (4) (c) 1., 2. ^{and 4.} 3. of the statutes are created to read:

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

6 ³ ~~If supervision under subd. 1. is not practicable,~~ an individual licensed as a
7 clinical social worker who has engaged in the equivalent of 5 years of full-time
8 clinical social work.

9 ⁴ ~~supervision under subds. 1. and 2. is not practicable,~~ a psychiatrist or a
10 psychologist licensed under ch. 455.

11 SECTION 51. 457.08 (4) (d) of the statutes is amended to read:

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

16 SECTION 52. 457.09 (2) (a) of the statutes is amended to read:

17 457.09 (2) (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training
18 certificate authorizes the holder to use the title specified in s. 457.04 (1) during the
19 period in which the certificate is valid.

20 SECTION 53. 457.10 (intro.) of the statutes is amended to read:

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

24 SECTION 54. 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and
25 amended to read:

INSERT 19-19

BILL

INSERT 20-7

INSERT
20-5

1 457.10 (3) (intro.) Submits evidence satisfactory to the marriage and family
2 therapist section that after receiving a master's or doctorate degree required under
3 sub. (2) he or she has engaged in the equivalent of at least 2 years of full-time
4 supervised 3,000 hours of clinical marriage and family therapy practice approved by
5 the marriage and family therapist section. supervised by one of the following:

6 SECTION 55. 457.10 (3) (a), (b) ~~and~~ (c) ^{(and (d))} of the statutes are created to read:

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

9 ^(c) ~~If supervision under par. (a) is not practicable,~~ an individual licensed as a
10 marriage and family therapist who has engaged in the equivalent of 5 years of
11 full-time marriage and family therapy practice.

12 ^(d) ~~If supervision under pars. (a) and (b) is not practicable,~~ a psychiatrist or a
13 psychologist licensed under ch. 455.

14 SECTION 56. 457.11 of the statutes is created to read:

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

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

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

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

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

BILL

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

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

11 SECTION 57. 457.12 (intro.) of the statutes is amended to read:

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

15 SECTION 58. 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)
16 and amended to read:

17 457.12 (3) (a) (intro.) After receiving a master's degree in professional
18 counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time
19 supervised 3,000 hours of clinical professional counseling practice approved by the
20 ~~professional counselor section,~~ supervised by one of the following:

21 SECTION 59. 457.12 (3) (a) 1., 2., ~~and~~ 3. ^{and 4.} of the statutes are created to read:
22 ~~457.12 (3) (a) 1.~~ ^{9 2.} An individual licensed as a professional counselor who has
23 received a doctorate degree in professional counseling.

INSEAT 21-20

INSEAT 21-21



BILL

SECTION 59

and, either during or after the doctorate degree program,

1 ³ If supervision under subd. 1. is not practicable, an individual licensed as a
2 professional counselor who has engaged in the equivalent of 5 years of full-time
3 professional counseling practice.

or its equivalent

4 ⁴ If supervision under subds. 1. and 2. is not practicable, a psychiatrist or a
5 psychologist licensed under ch. 455.

6 SECTION 60. 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.)
7 and amended to read:

8 457.12 (3) (b) (intro.) ~~After receiving~~ ^{Received} a doctorate degree in professional
9 counseling or its equivalent, engaged in the equivalent of at least ~~one year~~ ^{1,000 hours} of
10 full-time supervised clinical professional counseling practice approved by the
11 professional counselor section. ~~supervised by one of the following:~~

*INSEPT
02-10*

12 SECTION 61. 457.12 (3) (b) 1., 2. ^{and 4.} and 3. of the statutes are created to read:

13 ~~457.12 (3) (b) 1.~~ ^{2.} An individual licensed as a professional counselor who has
14 received a doctorate degree in professional counseling.

15 ³ If supervision under subd. 1. is not practicable, an individual licensed as a
16 professional counselor who has engaged in the equivalent of 5 years of full-time
17 clinical professional counseling practice.

18 ⁴ If supervision under subds. 1. and 2. is not practicable, a psychiatrist or a
19 psychologist licensed under ch. 455.

20 SECTION 62. 457.13 (2) of the statutes is amended to read:

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

BILL

INSERT 23-2

1 457.04 (6) and to practice professional counseling within the scope of his or her
2 training or supervision during the period in which the certificate is valid.

3 SECTION 63. 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 64. 457.15 (title) of the statutes is amended to read:

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

18 SECTION 65. 457.15 (1) (d) of the statutes is amended to read:

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

25 SECTION 66. 457.15 (2) of the statutes is amended to read:

INSERT 23-17

BILL

1 457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2),
 2 the marriage and family therapist section ~~shall~~ ^{may} grant a marriage and family
 3 therapist certificate license to any individual who holds a similar certificate or
 4 license in another state or territory of the United States ^{if the marriage and family}
 5 therapist section determines that the requirements for obtaining the certificate or
 6 license in the other state or territory are substantially equivalent to the
 7 requirements under s. 457.10.

SECTION 67. 457.15 (3) of the statutes is amended to read:

8 457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),
 9 the professional counselor section ~~shall~~ ^{may} grant a professional counselor certificate
 10 license to any individual who holds a similar certificate or license in another state
 11 or territory of the United States ^{if the professional counselor section}
 12 determines that the requirements for obtaining the certificate or license in the other state or territory
 13 are substantially equivalent to the requirements under s. 457.12.

SECTION 68. 457.16 (1) of the statutes is amended to read:

14 457.16 (1) The appropriate section of the examining board shall arrange for
 15 examinations for social worker, advanced practice social worker, independent social
 16 worker, independent clinical social worker, marriage and family therapist, and
 17 professional counselor certification and licensure to be conducted at least
 18 semiannually and at times and places determined by that section of the examining
 19 board, and shall provide public notice of each examination at least 90 days before the
 20 date of the examination.

SECTION 69. 457.16 (2) of the statutes is amended to read:

21 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
 22 applicants to demonstrate minimum competency in subjects substantially related to

BILL

and (2)

1 the practice of social work, advanced practice social work, independent social work,
2 clinical social work, marriage and family therapy, or professional counseling, as
3 appropriate.

4 **SECTION 70.** 457.16 (3) of the statutes is amended to read:

5 457.16 (3) An individual is not eligible for examination unless he or she
6 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),
7 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
8 *fr. (c)* to ~~(3)~~, or 457.12 (1) ~~to (3)~~ *and (2)* and, at least 30 days before the date of the examination,
9 submits an application for examination to the department on a form provided by the
10 department and pays the fee specified in s. 440.05 (1). *training certificates or*

11 **SECTION 71.** 457.20 (1) and (2) of the statutes are amended to read:

12 457.20 (1) The department shall issue a certificate of certification or licensure
13 to each individual who is certified or licensed under this chapter.

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

17 **SECTION 72.** 457.20 (3) (c) of the statutes is amended to read:

18 457.20 (3) (c) If the application is for renewal of a professional counselor
19 ~~certificate~~ license that was originally granted as a professional counselor certificate
20 under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the
21 professional counselor section that the applicant continues to be employed by a
22 federal, state, or local governmental agency as a professional counselor, professional
23 rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation
24 counselor.

25 **SECTION 73.** 457.20 (4) of the statutes is amended to read:

BILL

1 457.20 (4) Renewal of an advanced practice social worker, independent social
2 worker, or independent clinical social worker certificate or license automatically
3 renews the individual's social worker certificate without payment of the renewal fee
4 for the social worker certificate or completion of the continuing education
5 requirements that would otherwise be required for renewal of a social worker
6 certificate.

7 **SECTION 74.** 457.22 of the statutes is renumbered 457.22 (1) (intro.) and
8 amended to read:

9 457.22 (1) (intro.) The examining board may ~~promulgate~~ do any of the
10 following:

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

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

22 **SECTION 75.** 457.22 (1) (b) and (c) of the statutes are created to read:

23 457.22 (1) (b) Upon the advice of the marriage and family therapist section,
24 promulgate rules establishing requirements and procedures for marriage and family

BILL

1 therapists to complete continuing education programs or courses of study in order
2 to qualify for renewal.

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

6 **SECTION 76.** 457.23 of the statutes is created to read:

7 **457.23 Duty to consult or refer.** A clinical social worker, marriage and
8 family therapist, or professional counselor who treats an individual and who
9 determines that the individual requires additional treatment that is outside the
10 scope of practice of clinical social work, marriage and family therapy, or professional
11 counseling, may continue to treat the individual only if the clinical social worker,
12 marriage and family therapist, or professional counselor consults with, or refers the
13 individual to, a health care practitioner who is authorized to provide the additional
14 treatment.

15 **SECTION 77.** 457.25 of the statutes is amended to read:

16 **457.25 Reporting requirements.** (1) Any public or private mental health
17 or health care agency, institution or facility, or any other person or entity that
18 employs or contracts for services with a ~~certificate~~ credential holder, that terminates,
19 suspends, or restricts the employment or contract of the ~~certificate~~ credential holder
20 as a result of adverse or disciplinary action against the ~~certificate~~ credential holder
21 relating to his or her practice of social work, advanced practice social work,
22 independent social work, clinical social work, marriage and family therapy, or
23 professional counseling shall submit a written report of the action to the appropriate
24 section of the examining board within 30 days after the date on which the action is
25 taken or, if grounds for such an action exist and the ~~certificate~~ credential holder

INSERT 27-14

BILL

1 terminates his or her employment before the action is taken, within 30 days after the
2 date on which the ~~certificate~~ credential holder terminates his or her employment.

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

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

22 (4) Any circuit court that appoints a guardian of the person or estate of a
23 ~~certificate~~ credential holder or makes a judgment or other determination that a
24 ~~certificate~~ credential holder is mentally ill or mentally incompetent or that a
25 ~~certificate~~ credential holder has done any of the acts enumerated in s. 457.26 (2) shall

BILL

1 submit a written report of the appointment, judgment, or determination to the
2 appropriate section of the examining board within 30 days after the date on which
3 the appointment, judgment, or determination is made.

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

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

21 **SECTION 78.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:
22 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
23 appropriate section of the examining board may reprimand a ~~certificate~~ credential
24 holder or deny, limit, suspend, or revoke a ~~certificate~~ credential under this chapter

BILL

1 if it finds that the applicant ~~or certificate~~ credential holder has done any of the
2 following:

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

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

9 **SECTION 79.** 457.26 (2) (e) of the statutes is amended to read:

10 457.26 (2) (e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work,
11 advanced practice social work, independent social work, clinical social work,
12 marriage and family therapy, or professional counseling while his or her ability to
13 practice was impaired by alcohol or other drugs.

14 **SECTION 80.** ~~457.26 (2) (f) of the statutes is amended to read:~~

15 ~~457.26 (2) (f) Engaged in unprofessional or unethical conduct in violation of the~~
16 ~~code of ethics established in the rules promulgated under s. 457.03 (2), (7), (8), or (9).~~

17 **SECTION 81.** 457.26 (2) (g) of the statutes is amended to read:

18 457.26 (2) (g) Performed social work, advanced practice social work, or
19 independent social work services in violation of the rules promulgated under s.
20 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced
21 practice social work, independent social work, clinical social work, marriage and
22 family therapy, or professional counseling which evidences a lack of knowledge or
23 ability to apply professional principles or skills.

24 **SECTION 82.** 609.655 (3) (a) of the statutes is amended to read:

INSEAT 30-23

BILL

1 609.655 (3) (a) A clinical assessment of the dependent student's nervous or
2 mental disorders or alcoholism or other drug abuse problems, conducted by a
3 provider described in s. 632.89 (1) (e) 2. ~~or~~ 3., or 4. who is located in this state and
4 in reasonably close proximity to the school in which the dependent student is
5 enrolled and who may be designated by the managed care plan.

6 **SECTION 83.** 609.71 of the statutes is created to read:

7 **609.71 Coverage of psychotherapy providers.** Managed care plans are
8 subject to s. 632.87 (6).

9 **SECTION 84.** 632.87 (1) of the statutes is amended to read:

10 632.87 (1) No insurer may refuse to provide or pay for benefits for health care
11 services provided by a licensed health care professional on the ground that the
12 services were not rendered by a physician as defined in s. 990.01 (28), unless the
13 contract clearly excludes services by such practitioners, but no contract or plan may
14 exclude services in violation of sub. (2), (2m), (3), (4) ~~or~~ (5), or (6).

15 **SECTION 85.** 632.87 (6) of the statutes is created to read:

16 632.87 (6) (a) In this subsection, "psychotherapy" has the meaning given in s.
17 457.01 (8m).

18 (b) No policy, plan, or contract that covers psychotherapy services may exclude
19 or refuse to provide coverage for psychotherapy services performed by a clinical
20 social worker licensed under ch. 457, a marriage and family therapist licensed under
21 ch. 457, or a professional counselor licensed under ch. 457, within the scope of the
22 clinical social worker's, marriage and family therapist's, or professional counselor's
23 professional license, if the policy, plan, or contract includes coverage for
24 psychotherapy services performed by another health care provider, as defined in s.
25 146.81 (1).

BILL

INSERT 32-12

1 SECTION 86. 632.89 (1) (e) 4. of the statutes is created to read:

2 632.89 (1) (e) 4. A clinical social worker who is licensed under ch. 457, a
3 marriage and family therapist who is licensed under ch. 457, or a professional
4 counselor who is licensed under ch. 457.

5 SECTION 87. 905.04 (1) (bm) of the statutes is amended to read:

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

9 SECTION 88. 905.04 (1) (dm) of the statutes is amended to read:

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

13 SECTION 89. Nonstatutory provisions.

14 (1) DEFINITIONS. In this SECTION:

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

16 (b) "Examining board" means the marriage and family therapy, professional
17 counseling, and social work examining board.

18 (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a) and
19 (am) of the statutes, as affected by this act, a member of the examining board who
20 was appointed on or before the effective date of this subsection may continue to serve
21 as a member of the examining board until the end of his or her appointed term, except
22 for a member whose appointed term expires on or before January 1, 2002.

23 (3) TRANSITIONAL PROVISIONS.

24 (a) *Duties of examining board sections.* Notwithstanding sections 457.08 (4)
25 (intro.), (c) (intro.), 1., 2., ~~and~~ 3. and (d), 457.10 (intro.) and (3) (intro.), (a), (b), ~~and~~

create auto-ref
"A"

and 4.

BILL

and (d),

and 4.

and 4.1

1 (c), 457.12 (intro.) and (3) (a) (intro.), 1., 2., ~~and 3.~~ and (b) (intro.), 1., 2., ~~and 3.~~ 457.14, (1)
2 and 457.15 (1) (d), (2), and (3) of the statutes, as affected by this act, on the effective
3 date of this paragraph: (intro.), (a), (b), (c), and

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

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

14 3. The professional counselor section of the examining board shall grant a
15 professional counselor license under section 457.12 of the statutes, as affected by this
16 act, to any person who holds a valid professional counselor certificate that was
17 granted by the professional counselor section of the examining board before the
18 effective date of this subdivision.

19 4. The appropriate section of the examining board shall grant a temporary
20 social worker, marriage and family therapist, or professional counselor license under
21 section 457.14 (1) of the statutes, as affected by this act, to any person who holds a valid
22 temporary independent clinical social worker, marriage and family therapist, or
23 professional counselor certificate that was granted by that section of the examining
24 board before the effective date of this subdivision. A temporary license granted
25 pursuant to this subdivision is valid only for the period of time designated by the

BILL

1 section of the examining board for the temporary certificate granted to the person.
2 If the temporary certificate was renewed once by the section, the temporary license
3 may not be renewed.

4 5. The appropriate section of the examining board shall grant a ~~license~~⁹⁹
5 clinical social worker, marriage and family therapist, or professional counselor
6 license under section 457.15 of the statutes, as affected by this act, to any person who
7 holds a valid ~~license~~ independent clinical social worker, marriage and family
8 therapist, or professional counselor certificate granted by that section of the
9 examining board before the effective date of this subdivision. *Under section 457.15, 1999 stats. 5*

10 (b) *Duty of department.* The department shall issue a certificate of licensure
11 under section 457.20 (1) of the statutes, as affected by this act, to any person who is
12 granted a license under paragraph (a). *use auto-ref "A" from p. 32*

SECTION 90. Initial applicability.

14 (1) **INSURANCE COVERAGE OF SERVICES.** The treatment of sections 40.51 (8) and
15 (8m), 60.23 (25), 66.0137 (4), 111.91 (2) (pm), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
16 (intro.), 609.655 (3) (a), 609.71, 632.87 (1) and (6), and 632.89 (1) (e) 4. of the statutes
17 first applies to all of the following:

18 (a) Except as provided in paragraphs (b) and (c), insurance policies, plans, or
19 contracts that are issued or renewed, and self-insured health plans that are
20 established, extended, modified, or renewed, on the effective date of this paragraph.

21 (b) Insurance policies, plans, or contracts covering employees who are affected
22 by a collective bargaining agreement containing provisions inconsistent with this act
23 that are issued or renewed on the earlier of the following:

24 1. The day on which the collective bargaining agreement expires.

create auto-ref "B"

use auto-ref "B"

use auto-ref "C"



2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0746/2ins

MDK:.....

the department of regulation and licensing ()

open paren)
close paren (

1

no ¶

INSERT 3A:

The bill allows a person certified as an advanced practice or independent social worker to practice clinical social work, but only under the supervision of clinical social worker licensed under the bill.

2

INSERT 3B:

(DHFS)

a

no ¶

and also
; 3) mental health professionals employed by outpatient psychotherapy clinics certified by the department of health and family services, and 4) art, music, or dance therapists who are licensed by DORL to practice psychotherapy. With respect to the last exception, the bill allows DORL to promulgate rules that establish requirements that an art, music, or dance therapist must satisfy for a license to practice psychotherapy. Only an art, music, or dance therapist who is registered with DORL under current law may qualify for such a license. In addition, the requirements for such a license that are established in DORL's rules must be comparable to the requirements under the bill for a clinical social worker, marriage and family therapist, or professional counselor license.

3

INSERT 3C:

no ¶

requirements under current law regarding supervised clinical experience. Under current law,

4

INSERT 3D:

no ¶

At least 1,000 of the 3,000 hours must consist of face-to-face client contact.

5

INSERT 3E:

no ¶

to 1,000 hours, which must be satisfied during or after the doctorate degree program

6

INSERT 3F:

no ¶ →

1) a person who is approved by the appropriate section of the examining board or who satisfies requirements for supervision specified in rules promulgated by the examining board;

7

INSERT 4A:

no ¶ →

The rules must be consistent with the guidelines of the American Psychological Association or other nationally recognized guidelines.

8

INSERT 4B:

¶ § 4

The bill allows the holder of a social worker training certificate to take the examination required for a regular certificate before or after satisfying the education and training requirements required for a regular certificate. Under current law, such a person must take the examination after satisfying the education and training requirements.

to



5 ~~4~~ The bill allows the examining board to issue temporary certificates and licenses to advanced practice, independent, and clinical social workers, marriage and family therapists, and professional counselors who have not yet taken the examination required for certification or licensure. Under current law, the examining board is allowed to issue temporary certificates only to social workers, marriage and family therapists, and professional counselors.

6 ~~5~~ The bill requires a person certified or licensed in another jurisdiction who applies for a reciprocal certificate or license to take an examination on state law relating to practice under the type of certificate or license applied for.

7 ~~6~~ The bill allows 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 required for licensure. Under current law, the examination may be taken only after satisfying the supervised clinical experience requirements.

8 ~~7~~ The bill allows the appropriate section of the examining board, in making investigations of or taking disciplinary action against a certificate or license holder, to appoint an advisory panel of persons holding the same certificate or license.

9 ~~8~~ The bill requires a licensed clinical social worker, marriage and family therapist, or professional counselor to have in effect professional liability insurance in an amount established by rule by the examining board.

INSERT 9-3:

SECTION 1. 440.01 (2) (cv) of the statutes is created to read:

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

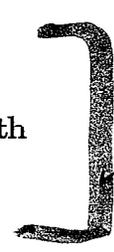
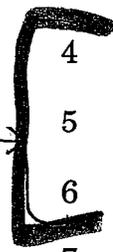
SECTION 2. 440.08 (2) (a) 67x. of the statutes is created to read:

440.08 (2) (a) 67x. Registered music, art, or dance therapist with psychotherapy license: October 1 of each odd-numbered year; \$56.

SECTION 3. 440.03 (14) (am) of the statutes is created to read:

440.03 (14) (am) The department may promulgate rules that establish requirements for granting a license to practice psychotherapy to a person who is registered under par. (a). Rules promulgated under this paragraph shall establish requirements for obtaining such a license that are comparable to the requirements for obtaining a clinical social worker, marriage and family therapist, or professional counselor license under ch. 457. If the department promulgates rules under this paragraph, the department shall grant a license under this paragraph to a person

out of order.
Please move to
correct location.



1
2
3
4
5
6
7
8
9
10
11
12
13
14

05



1 registered under par. (a) who pays the fee specified in s. 440.6 (1) and provides
2 evidence satisfactory to the department that he or she satisfies the requirements
3 established in the rules.

4 SECTION 4. 440.03 (14) (b) of the statutes is amended to read:

5 440.03 (14) (b) A person who is registered under par. (a) shall notify the
6 department in writing within 30 days if an organization specified in par. (a) 1. a., 2.
7 a. or 3. a. revokes the person's certification, registration, or accreditation specified
8 in par. (a) 1. a., 2. a., or 3. a. The department shall revoke a certificate of registration
9 granted under par. (a) if such an organization revokes such a certification,
10 registration, or accreditation. If the department revokes the certificate of
11 registration of a person who also holds a license granted under the rules promulgated
12 under par. (am), the department shall also revoke the license.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

13 SECTION 5. 440.03 (14) (c) of the statutes is amended to read:

14 440.03 (14) (c) The renewal dates for certificates granted under par. (a) and
15 licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal
16 applications shall be submitted to the department on a form provided by the
17 department and shall include the renewal fee specified in s. 440.08 (2) (a) and
18 evidence satisfactory to the department that the person's certification, registration,
19 or accreditation specified in par. (a) 1. a., 2. a. or 3. a. has not been revoked.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

20 SECTION 6. 440.03 (14) (d) of the statutes is amended to read:

21 440.03 (14) (d) The department shall promulgate rules that specify the services
22 within the scope of practice of music, art, or dance therapy that a person who is
23 registered under par. (a) is qualified to perform. The rules may not allow a person

1 registered under par. (a) to perform psychotherapy unless the person is granted a
2 license under the rules promulgated under par. (am).

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

3 SECTION 7. 440.03 (14) (e) of the statutes is amended to read:

4 440.03 (14) (e) Subject to the rules promulgated under sub. (1), the department
5 may make investigations and conduct hearings to determine whether a violation of
6 this subsection or any rule promulgated under par. (d) has occurred and may
7 reprimand a person who is registered under par. (a) or holds a license granted under
8 the rules promulgated under par. (am) or may deny, limit, suspend, or revoke a
9 certificate of registration granted under par. (a) or a license granted under the rules
10 promulgated under par. (am) if the department finds that the applicant or
11 certificate or license holder has violated this subsection or any rule promulgated
12 under par. (d).

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

13 SECTION 8. 440.03 (14) (f) of the statutes is amended to read:

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

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

18 INSERT 13-7:

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

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

1 under the supervision of a person who is licensed as a clinical social worker under
2 this chapter

3 **INSERT 19-1:**

4 , including at least 1,000 hours of face-to-face client contact,

5 **INSERT 19-4:**

6 457.08 (4) (c) 1. An individual who is approved by the social worker section or
7 satisfies requirements for supervision that are specified in rules promulgated by the
8 examining board upon the advice of the social worker section.

9 **INSERT 19-19:**

10 **SECTION 10.** 457.09 (5) (a) of the statutes is amended to read:

11 457.09 (5) (a) A social worker training certificate holder may take the national
12 social work examination at any time before or after he or she completes the
13 requirements under sub. (4).

14 History: 1995 a. 27.

14 **INSERT 20-5:**

15 , including at least 1,000 hours of face-to-face client contact,

16 **INSERT 20-7:**

17 457.10 (3) (a) An individual who is approved by the marriage and family
18 therapist section or satisfies requirements for supervision that are specified in rules
19 promulgated by the examining board upon the advice of the marriage and family
20 therapist section.

21 **INSERT 21-20:**

22 , including at least 1,000 hours of face-to-face client contact,

23 **INSERT 21-21:**

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

History: 1991 a. 160.

3 **SECTION 15.** 457.15 (1) (b) of the statutes is amended to read:

4 457.15 (1) (b) Grant an advanced practice social worker certificate to any
5 individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a
6 similar certificate in another state or territory of the United States and who passes
7 an examination approved by the social worker section that tests knowledge of state
8 law relating to advanced practice social work, if the social worker section determines
9 that the requirements for obtaining the certificate in the other state or territory are
10 substantially equivalent to the requirements under s. 457.08 (2).

History: 1991 a. 160.

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

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

History: 1991 a. 160.

19 **SECTION 17.** 457.15 (1) (d) of the statutes is amended to read:

20 457.15 (1) (d) Grant ~~an independent~~ a clinical social worker certificate license
21 to any individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds
22 a similar certificate or license in another state or territory of the United States and
23 who passes an examination approved by the social worker section that tests
24 knowledge of state law relating to clinical social work, if the social worker section

1 determines that the requirements for obtaining the certificate or license in the other
2 state or territory are substantially equivalent to the requirements under s. 457.08
3 (4).

4 History: 1991 a. 160.

INSERT 24-4:

5 and who passes an examination approved by the marriage and family therapist
6 section that tests knowledge of state law relating to marriage and family therapy.

INSERT 24-12:

7
8 and who passes an examination approved by the professional counselor section that
9 tests knowledge of state law relating to professional counseling.

INSERT 27-14:

10
11 **SECTION 18.** 457.24 of the statutes is created to read:

12 **457.24 Professional liability insurance.** A person licensed as a clinical
13 social worker, marriage and family therapist, or professional counselor under this
14 chapter may not practice clinical social work, marriage and family therapy, or
15 professional counseling unless he or she has in effect professional liability insurance.
16 The examining board shall promulgate rules establishing the minimum amount of
17 insurance required under this section.

INSERT 30-23:

18
19 **SECTION 19.** 457.26 (3) of the statutes is created to read:

20 **457.26 (3)** The appropriate section of the examining board may appoint a panel
21 of credential holders to advise the section on any investigation or hearing conducted
22 under sub. (1) or any disciplinary action taken under sub. (2). The members of a
23 panel appointed under this subsection shall hold the same credential as the person
24 who is the subject of the investigation, hearing, or disciplinary action.

1
2
3
4
5
6
7

INSERT 32-12:

SECTION 20. 905.04 (1) (g) of the statutes is amended to read:

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

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0746/2dn

MDK:.....

cjs

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 is amended to accomplish the same thing as 1999 LRB-3388/1.

(, stats.)

14. The reciprocal license provisions are amended to require an applicant to take an examination.

(, stats.)

15. Section 457.16 (3) 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. 457.10 (2) refers to training certificates, as well as temporary certificates or licenses.

(, stats.)

17. Proposed s. 457.24 requires licensed 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

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

U R B A N

Wisconsin State Representative
99th Assembly District

From the Desk of
Dr. Frank H. "Hank" Urban

If we could ^{done} also get a
Computer file ²⁻¹³ copy of this ^{w/out the} ^{drafters} ^{note}
that would be great.

Also- bill jacket can go
straight to our office does
not need to be sent to
Rep Urban on the floor.

Thanks

John Buschman



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 12, 2001

MEMORANDUM

To: Representative Urban

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-0746 Regulation of social workers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

Kunkel, Mark

From: Dismas Becker [dismas@gdinet.com]

Sent: Wednesday, February 14, 2001 2:50

To: Mark Kunkel

Subject: LRB 0746/2

Mark,

Marlene Cummings is afraid that Section 93, p. 36 lines 17 to 18 would open the department to lawsuits. It really is not that essential so would you please delete that section? ✓

Also on the 4 qualifications to supervise an applicant each section can approve people to supervise from their own profession in # 2 & 3. Secretary Cummings would also like the applicant to be able to use anyone licensed under this statute who meets the rest of the requirements in # 2 & 3. Would be possible to say "2. An individual licensed under this chapter who has received a doctorate degree in their field of practice. 3. An individual licensed under this chapter etc." Could that be done for all three professions?

Go ahead on deleting section 93 but wait for a call from Sec. Cummings Office before you do the latter. If she calls and ask how it can be done to allow the other professions to supervise one another, give her this suggestion and then make the change.

Dismas

02/14/2001