



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa0860/1  
DAK:cjs:jf

**SENATE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 385**

September 2, 2005 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING  
AND LONG TERM CARE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: after “providers” insert “, behavioral health providers, pupil  
3 services providers, or substance abuse prevention providers”.

4 **2.** Page 3, line 6: delete “health care” and substitute “behavioral health  
5 provider, health care provider, pupil services provider, or substance abuse  
6 prevention”.

7 **3.** Page 3, line 7: delete that line and substitute “unpaid behavioral health  
8 services, health care services, pupil services, or substance abuse prevention services  
9 on behalf of a health care facility during a state of emergency is”.

10 **4.** Page 3, line 10: delete “health care” and substitute “behavioral health  
11 provider, health care provider, pupil services provider, or substance abuse  
12 prevention”.

1           **5.** Page 3, line 12: delete that line and substitute “providing volunteer, unpaid  
2 behavioral health services, health care services, pupil services, or substance abuse  
3 prevention services on behalf of a health care facility during a”.

4           **6.** Page 3, line 18: after “(4)” insert “and volunteer behavioral health providers,  
5 pupil services providers, and substance abuse prevention providers who provide  
6 services under s. 250.042 (4)”.

7           **7.** Page 4, line 2: after that line insert:

8           “**SECTION 3m.** 166.23 (2m) of the statutes is created to read:

9           166.23 **(2m)** If the governing body of a city, village, or town declares an  
10 emergency under sub. (1) and intends to make use of behavioral health providers,  
11 health care providers, pupil services providers, or substance abuse prevention  
12 providers, as specified in s. 250.042 (4), the governing body or its agent shall, as soon  
13 as possible, notify the department of health and family services of this intent.”.

14           **8.** Page 4, line 4: after that line insert:

15           “1. “Behavioral health provider” means an individual who, at any time within  
16 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23,  
17 has, under chapter 455, been licensed as a psychologist or has, under ch. 457, been  
18 certified as a social worker or licensed as a clinical social worker, a marriage and  
19 family therapist, or a professional counselor.”.

20           **9.** Page 4, line 5: delete “1.” and substitute “2.”.

21           **10.** Page 4, line 6: delete “2.” and substitute “3.”.

22           **11.** Page 4, line 13: after that line insert:

1           “4. “Pupil services provider” means an individual who, at any time within 10  
2 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has  
3 been licensed as a school counselor, school psychologist, or school social worker under  
4 ch. PI 3, 2004 Wis. Adm. Code, or s. PI 34.31, Wis. Adm. Code.

5           5. “Substance abuse prevention provider” means an individual who, at any  
6 time within 10 years before a state of emergency is declared under s. 166.03 (1) (b)  
7 1. or 166.23, has been certified as a counselor, supervisor, or specialist under s. HFS  
8 75.02 (11) and (84), 2005 Wis. Adm. Code, or has been certified as a substance abuse  
9 counselor, clinical supervisor, or prevention specialist under s. 440.75.”.

10           **12.** Page 4, line 14: delete lines 14 to 21 and substitute:

11           “(b) A behavioral health provider, health care provider, pupil services provider,  
12 or substance abuse prevention provider who, during a state of emergency declared  
13 under s. 166.03 (1) (b) 1. or 166.23, provides behavioral health services, health care  
14 services, pupil services, or substance abuse prevention services for which the  
15 behavioral health provider, health care provider, pupil services provider, or  
16 substance abuse prevention provider has been licensed or certified or, as a nurse’s  
17 assistant, has met requirements, is, for the provision of these services a state agent  
18 of the department for purposes of ss. 165.25 (6), 893.82, and 895.46 and is an  
19 employee of the state for purposes of worker’s compensation benefits. The behavioral  
20 health services, health care services, pupil services, or substance abuse prevention  
21 services shall be provided on behalf of a health care facility on a voluntary, unpaid  
22 basis, except that the behavioral health provider, health care provider, pupil services  
23 provider, or substance abuse prevention provider may accept reimbursement for  
24 travel, lodging, and meals.”.

1           **13.** Page 5, line 12: after that line insert:

2           “8. A social worker, advanced practice social worker, or independent social  
3 worker whose certificate has been revoked, limited, suspended, or denied renewal  
4 under s. 457.26, or a clinical social worker, marriage and family therapist, or  
5 professional counselor whose license has been revoked, limited, suspended, or denied  
6 renewal under s. 457.26.

7           9. A psychologist whose license has been revoked, limited, suspended, or denied  
8 renewal under s. 455.09.

9           10. A school counselor, school psychologist, or school social worker whose  
10 license has been denied or revoked under ch. PI 3, 2004 Wis. Adm. Code, or s. PI  
11 34.35, Wis. Adm. Code.

12           11. A counselor, supervisor, or specialist whose certification has been denied or  
13 revoked by the Wisconsin Certification Board, Inc., or a substance abuse counselor,  
14 clinical supervisor, or prevention specialist whose certification has been revoked,  
15 limited, suspended, or denied under s. 440.75 (6).

16           12. A nurse’s assistant whose name is listed under s. 146.40 (4g) (a) 2.

17           **SECTION 4m.** 440.75 (5) of the statutes, as created by 2005 Wisconsin Act ....  
18 (Assembly Bill 100), is amended to read:

19           440.75 **(5)** CERTIFICATION REQUIRED. Except as provided in sub. (3m) and s.  
20 250.042 (4) (b), no person may represent himself or herself to the public as a  
21 substance abuse counselor, clinical supervisor, or prevention specialist or a certified  
22 substance abuse counselor, clinical supervisor, or prevention specialist or use in  
23 connection with his or her name a title or description that conveys the impression  
24 that he or she is a substance abuse counselor, clinical supervisor, or prevention

1 specialist or a certified substance abuse counselor, clinical supervisor, or prevention  
2 specialist unless he or she is so certified under sub. (2).”.

3 **14.** Page 8, line 16: after that line insert:

4 “**SECTION 17g.** 455.02 (1m) of the statutes is amended to read:

5 455.02 (1m) LICENSE REQUIRED TO PRACTICE. No Except as provided in s. 250.042  
6 (4) (b), no person may engage in the practice of psychology or the private practice of  
7 school psychology, or attempt to do so or make a representation as authorized to do  
8 so, without a license issued by the examining board.

9 **SECTION 17j.** 455.02 (3m) of the statutes is amended to read:

10 455.02 (3m) USE OF TITLES. Only Except as provided in s. 250.042 (4) (b), only  
11 an individual licensed under s. 455.04 (1) may use the title “psychologist” or any  
12 similar title or state or imply that he or she is licensed to practice psychology, and  
13 only an individual licensed under s. 455.04 (4) may use the title “private practice  
14 school psychologist” or any similar title or state or imply that he or she is licensed  
15 to engage in the private practice of school psychology. Only Except as provided in s.  
16 250.042 (4) (b), only an individual licensed under s. 455.04 (1) or (4) may represent  
17 himself or herself to the public by any description of services incorporating the word  
18 “psychological” or “psychology”.

19 **SECTION 17m.** 457.04 (intro.) of the statutes is amended to read:

20 **457.04 Prohibited practices.** (intro.) Except as provided in s. ss. 250.042  
21 (4) (b) and 457.02, no person may do any of the following:”.

22 **15.** Page 8, line 18: delete “health care” and substitute “behavioral health  
23 provider, health care provider, pupil services provider, or substance abuse  
24 prevention”.

