



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/02/2018 (Per: CMH)

☞ Compile Draft - Appendix F ... Part V

Appendix A ☞ The 2017 drafting file for LRB-4937

Appendix B ☞ The 2017 drafting file for LRB-4955

Appendix C ☞ The 2017 drafting file for LRB-5006

Appendix D ☞ The 2017 drafting file for LRB-5014

Appendix E ☞ The 2017 drafting file for LRB-5017

Appendix F ☞ The 2017 drafting file for LRB-5086

has been copied/added to the drafting file for

2017 LRB-5242



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5086/P2²P3
KP&TJD:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 1/10/2018

OUT: 1/11/2018

Regen

1 AN ACT to repeal ~~457.02 (5) and 457.02 (5m); to amend~~ 440.88 (3) (a) (intro.),
2 440.88 (3m), 440.88 (7), 961.385 (2) (cm) 1. (intro.) and 961.385 (2) (cm) 2.; and
3 to create 440.043 of the statutes; relating to: certification for substance abuse
4 counseling and modifying and creating administrative rules related to
5 substance abuse counseling.

Analysis by the Legislative Reference Bureau

This bill makes the following changes regarding substance abuse counseling:

1. Allows marriage and family therapists and professional counselors to represent themselves to the public as substance abuse counselors, clinical supervisors, or prevention specialists without holding a certification for that purpose granted by the Department of Safety and Professional Services.

2. Requires DSPS to grant a certification as a substance abuse counselor, clinical supervisor, or prevention specialist to an individual who holds a similar unexpired certification granted by another state that has requirements for certification that are not lower than this state's certification requirements.

3. Requires the secretary of DSPS to appoint an advisory behavioral health review committee to semiannually review the requirements for obtaining certain substance abuse counseling certifications; for obtaining credentials granted by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board; and for obtaining other credentials related to behavioral health. Under the bill, the advisory committee is required to accept public comments related to its review and may propose changes in statutes and administrative rules to DSPS.

4. Allows a person certified as a social worker, advanced practice social worker, or independent social worker, within the scope of his or her credential, to treat substance use disorder as a specialty. In order to treat substance use disorder as a specialty, current law requires a person holding one of those certifications to satisfy additional criteria related to education and amount of supervised practice, and to complete continuing education every two years, or to obtain a substance abuse counselor, clinical supervisor, or prevention specialist certification from DSPS.

5. Specifies the contents required in an application for certification as a substance abuse counselor, clinical substance abuse counselor, intermediate or independent clinical supervisor, prevention specialist, substance abuse counselor-in-training, clinical supervisor-in-training, or prevention specialist-in-training.

6. Specifies the amount of practice that substance abuse counselors, clinical substance abuse counselors, intermediate supervisors, substance abuse counselors-in-training, and clinical supervisors-in-training are required to perform under supervision; the types of persons who may supervise that practice; and the permissible methods of exercising supervision.

6. e (7) Adds various actions to the scope of unprofessional conduct for which DSPS may discipline a substance abuse counselor or other related professional.

7. e (8) Specifies the requirements that a person with an expired substance abuse counselor or other related certification must satisfy to renew or reinstate an expired, surrendered, or revoked certification.

8. e (9) Specifies the contents required in an application to be approved by DSPS to provide education that satisfies the educational requirements for a substance abuse counselor or other related certification.

9. e (10) Specifies the continuing education requirements that a substance abuse counselor, clinical substance abuse counselor, prevention specialist, or clinical supervisor is required to satisfy in order to renew his or her certification.

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

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

1 **SECTION 1.** 440.043 of the statutes is created to read:

2 **440.043 Behavioral health review committee.** (1) The secretary shall
3 appoint an advisory committee under s. 440.042 to provide advice concerning
4 behavioral health. The advisory committee shall semiannually conduct a review of
5 the requirements for obtaining a credential under s. 440.88 or ch. 457 or for other
6 credentials related to behavioral health.

1 (2) The advisory committee shall accept comments from the public related to
2 its review under sub. (1). Before conducting a review under sub. (1), the department
3 shall publish a class 1 notice under ch. 985 and shall publish notice on its Internet
4 site announcing the opportunity for public comment.

5 (3) The advisory committee established under sub. (1) may propose changes in
6 statutes and rules to the department.

7 **SECTION 2.** 440.88 (3) (a) (intro.) of the statutes is amended to read:

8 440.88 (3) (a) (intro.) Subject to pars. (b) and (c) and except as provided in sub.
9 (3m), the department shall promulgate rules that establish minimum standards and
10 qualifications for the certification of all of the following, including substance abuse
11 counselors and clinical supervisors ~~described under s. HFS 75.02 (11) and (84), Wis.~~
12 ~~Adm. Code, in effect on December 15, 2006, as defined by the department of health~~
13 services by rule:

14 **SECTION 3.** 440.88 (3m) of the statutes is amended to read:

15 440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined
16 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), ~~or~~ a licensed
17 psychologist, as defined in s. 455.01 (4), a marriage and family therapist, as defined
18 in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices
19 as a substance abuse clinical supervisor or provides substance abuse counseling,
20 treatment, or prevention services within the scope of his or her licensure.

21 **SECTION 4.** 440.88 (7) of the statutes is amended to read:

22 440.88 (7) RECIPROCAL CERTIFICATION. The department ~~may~~ shall, upon
23 application and payment of the required fee, issue certification as a substance abuse
24 counselor, clinical supervisor, or prevention specialist to an individual who holds a
25 similar unexpired certification issued to the individual by another state for which the

1 requirements for certification are of a standard that is not lower than that specified
2 in this subchapter.

3 **SECTION 5.** 457.02 (5) of the statutes is repealed.

4 **SECTION 6.** 457.02 (5m) of the statutes is repealed.

5 **SECTION 7.** 961.385 (2) (cm) 1. (intro.) of the statutes, as created by 2015
6 Wisconsin Act 266, is amended to read:

7 961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse
8 licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b),
9 or an individual authorized under s. 457.02 (5m) to treat who treats, within the scope
10 of his or her credential, alcohol or substance dependency or abuse as a specialty, if
11 any of the following is applicable:

12 **SECTION 8.** 961.385 (2) (cm) 2. of the statutes, as created by 2015 Wisconsin Act
13 266, is amended to read:

14 961.385 (2) (cm) 2. A person who medically coordinates, directs, or supervises,
15 or establishes standard operating procedures for, a practitioner, pharmacist,
16 registered nurse, substance abuse counselor, or individual ~~authorized under s.~~
17 ~~457.02 (5m) to treat alcohol or substance dependency or abuse as a specialty~~ to whom
18 records may be disclosed under subd. 1., if the person is evaluating the job
19 performance of the practitioner, pharmacist, registered nurse, substance abuse
20 counselor, or individual, or is performing quality assessment and improvement
21 activities, including outcomes evaluation or development of clinical guidelines, and
22 if the disclosure does not contain personally identifiable information, as defined in
23 s. 19.62 (5), of a patient and is limited to only those records about the practitioner,
24 pharmacist, registered nurse, substance abuse counselor, or individual the person

1 medically coordinates, directs, or supervises, or for whom the person establishes
2 standard operating procedures.

3 **SECTION 9.** DHS 75.02 (15) of the administrative code is amended to read:

4 DHS 75.02 (15) "Counseling" means the application of recognized theories,
5 principles, techniques and strategies to manage and facilitate the progress of diverse
6 patients toward mutually determined treatment goals and objectives using
7 culturally sensitive modalities as described in s. SPS ~~166.01 (3)~~ 160.02 (10m) or s.
8 MPSW 2.01 (10).

9 **SECTION 10.** DHS 75.02 (84) (d) of the administrative code is amended to read:

10 DHS 75.02 (84) (d) ~~A s. MPSW 1.09 specialty~~ An individual who holds a
11 credential under ch. 457, Stats., granted by DSPS.

12 **SECTION 11.** DHS 75.03 (4) (e) of the administrative code is amended to read:

13 DHS 75.03 (4) (e) ~~All~~ Any staff who ~~provide~~ provides clinical supervision shall
14 ~~fulfill the requirements established, as defined in s. SPS 160.02 (6) and,~~ shall hold
15 ~~a certificate from DSPS as required by a clinical supervisor, as defined in s. SPS~~
16 160.02 (7), except for a physician knowledgeable in addiction treatment, licensed
17 psychologist with a knowledge of psychopharmacology and addiction treatment, or
18 professional possessing ~~the s. MPSW 1.09 subspecialty~~ a credential under ch. 457,
19 Stats.

20 **SECTION 12.** DHS 75.10 (5) (a) of the administrative code is renumbered DHS
21 75.10 (5).

22 **SECTION 13.** DHS 75.10 (5) (b) of the administrative code is repealed.

23 **SECTION 14.** DHS 75.11 (5) (a) of the administrative code is renumbered DHS
24 75.11 (5).

25 **SECTION 15.** DHS 75.11 (5) (b) of the administrative code is repealed.

1 (a) A physician, as defined in s. 448.01 (5), Stats., who practices as a substance
2 abuse clinical supervisor or provides substance abuse counseling, treatment, or
3 prevention services within the scope of his or her licensure.

4 (b) A clinical social worker, as defined in s. 457.01 (1r), Stats., who practices as
5 a substance abuse clinical supervisor or provides substance abuse counseling,
6 treatment, or prevention services within the scope of his or her licensure.

7 (c) A licensed psychologist, as defined in s. 455.01 (4), Stats., who practices as
8 a substance abuse clinical supervisor or provides substance abuse counseling,
9 treatment, or prevention services within the scope of his or her licensure.

10 (d) A marriage and family therapist, as defined in s. 457.01 (3), or a professional
11 counselor, as defined in s. 457.01 (7), who practices as a substance abuse clinical
12 supervisor or provides substance abuse counseling, treatment, or prevention
13 services within the scope of his or her licensure.

14 (e) The preparation of a patient for substance use disorder treatment by
15 referral, the treatment of a patient for substance use disorder until a referral for
16 substance use disorder treatment is completed, and the continuation of treatment
17 with the nonsubstance use disorder issues of a person, when performed by a mental
18 health provider practicing within the scope of his or her credential.

19 **SECTION 26.** SPS 160.02 (2m) of the administrative code is created to read:

20 SPS 160.02 (2m) "Assessment training" means education on the
21 comprehensive process of collecting pertinent data about patients or patient systems
22 and their environment, and appraising the data as a basis for making decisions
23 regarding substance use disorder diagnosis and treatment or referral. The education
24 shall consist of culturally inclusive studies in understanding addiction,

1 psychopharmacology, recognition and differentiation of co-occurring medical and
2 psychological disorders, clinical evaluation, and treatment planning.

3 **SECTION 27.** SPS 160.02 (3) (g) of the administrative code is created to read:

4 SPS 160.02 (3) (g) Marriage and family therapy, as defined in s. 457.01 (5),

5 Stats.

6 **SECTION 28.** SPS 160.02 (3) (h) of the administrative code is created to read:

7 SPS 160.02 (3) (h) Professional counseling, as defined in s. 457.01 (6), Stats.

8 **SECTION 29.** SPS 160.02 (3m) of the administrative code is created to read:

9 SPS 160.02 (3m) "Case management" means education on culturally
10 appropriate administrative, clinical, and evaluative activities included in the
11 process of coordinating and prioritizing patient treatment goals and working with
12 the patient and significant others, as well as other services, agencies, and resources
13 to achieve those treatment goals. The education shall include studies in
14 implementing treatment plans including continuing assessment, the referral
15 process, service coordination, including for co-occurring medical and psychological
16 disorders, record management and documentation, and utilizing the written client
17 record to guide and monitor services to reach measurable goals and objectives.

18 **SECTION 30.** SPS 160.02 (6) of the administrative code is amended to read:

19 SPS 160.02 (6) "Clinical supervision" means a specific and definitive process
20 of oversight of a counselor's professional development in the didactic, experiential
21 and application of the transdisciplinary foundations, and practice dimensions
22 including core functions. Supervision takes place in intermittent in person contact
23 between a clinical supervisor and treatment staff provided on or off the site of a
24 service to ensure that each patient has an individualized treatment plan and is

1 receiving quality care. A primary purpose of "clinical supervision" is to ensure skill
2 development evidenced in quality patient care.

3 SECTION 31. SPS 160.02 (9) of the administrative code is repealed.

4 SECTION 32. SPS 160.02 (10) of the administrative code is repealed.

5 SECTION 33. SPS 160.02 (10m) of the administrative code is created to read:

6 SPS 160.02 (10m) "Counseling" ^{training} means education that includes the study of
7 fundamental theories, principles, and techniques of substance use disorder
8 counseling to facilitate the progress of diverse patients toward mutually determined
9 treatment goals and objectives using culturally sensitive modalities. Counseling
10 education shall include studies of understanding addiction, recognized treatment
11 theory and practice, the recovery process, effective strategies for meeting the
12 counseling needs of diverse patients, crisis management skills, and treatment of
13 co-occurring medical and psychological disorders. ^{awareness}

14 SECTION 34. SPS 160.02 (14) of the administrative code is repealed.

15 SECTION 35. SPS 160.02 (16) of the administrative code is repealed.

16 SECTION 36. SPS 160.02 (19m) of the administrative code is created to read:

17 SPS 160.02 (19m) "Patient education" means education about the process of
18 providing patients, groups, families, couples, significant others, and communities
19 with information on risks related to substance use, the processes of dependence
20 including signs, symptoms, and behavior patterns, and available resources for
21 prevention, treatment, and recovery in culturally relevant ways. The education
22 shall include studies in understanding addiction including addiction to nicotine, the
23 classification and basic pharmacology of drugs, basic physiology and the effects of
24 drug use on the human body and patient, learning styles and teaching methods,
25 delivery of educational programs, health and behavior problems related to substance

1 use including transmission of HIV/AIDS, tuberculosis, sexually transmitted
2 infections, and other infectious diseases, and basic life skills such as stress
3 management, communication, and assertiveness.

4 **SECTION 37.** SPS 160.02 (22) of the administrative code is repealed.

5 **SECTION 38.** SPS 160.02 (24m) of the administrative code is created to read:

6 SPS 160.02 (24m) "Professional responsibility" means education that
7 addresses standards of conduct or professional behavior expectations for counselors,
8 supervisors, and prevention workers. Professional behavior areas to be studied shall
9 include, at a minimum, legal issues specific to substance use disorder professional
10 practice, patient welfare as a primary concern, responsibility for professional
11 competence and professional development, participation in ongoing supervision and
12 consultation, counselor values and self-care, relationships with other professionals
13 and institutions, and the establishment of limits and boundaries in the patient
14 relationship. This education shall also address the impact of specific cultural, ethnic,
15 and racial influences and expectations.

16 **SECTION 39.** SPS 160.02 (28) of the administrative code is amended to read:

17 SPS 160.02 (28) "Substance use disorder" means the existence of a diagnosis
18 of "~~substance dependence~~" or "~~substance abuse~~" "substance use disorder" listed in
19 the most current edition of DSM.

20 **SECTION 40.** SPS 160.02 (29) of the administrative code is repealed.

21 **SECTION 41.** SPS 160.03 of the administrative code is amended to read:

22 **SPS 160.03 Use of title.** ~~A~~ Except as consistent with s. SPS 160.015 (2), a
23 person may use the title "addiction counselor," "substance abuse counselor," "alcohol
24 and drug counselor," "substance use disorder counselor" or "chemical dependency
25 counselor" only if he or she is certified as a substance abuse counselor, or as a clinical

1 substance abuse counselor under s. 440.88, Stats., ~~or as allowed under the provisions~~
2 ~~of s. 457.02 (5m), Stats.~~

3 SECTION 42. Chapter SPS 161 of the administrative code is repealed and
4 recreated to read:

5 Chapter SPS 161

6 REQUIREMENTS FOR CERTIFICATION

7 SPS 161.01 Substance abuse counselor-in-training application. An
8 applicant for certification as a substance abuse counselor-in-training shall submit
9 all of the following:

- 10 (1) An application form.
- 11 (2) A fee as determined by the department under s. 440.05, Stats.
- 12 (3) Evidence of successful passage of the jurisprudence examination.
- 13 (4) Evidence of completion of 100 hours of substance use disorder specialized
14 education through a postsecondary institution, department-approved continuing
15 education, or department-approved education program. The 100 hours shall be in
16 all of the following:
- 17 (a) Fifteen hours in assessment training.
- 18 (b) Fifteen hours in counseling. *training ✓*
- 19 (c) Ten hours in case management.
- 20 (d) Fifteen hours in patient education.
- 21 (e) Twenty hours in professional responsibility.
- 22 (f) Twenty-five hours in electives in any of the subjects in pars. (a) to (e).
- 23 (5) Evidence of current employment, a written offer of employment, internship,
24 practicum, or an agreement authorizing volunteer hours at an agency providing
25 substance use disorder treatment.

1 (6) For applicants who have a pending criminal charge or have been convicted
2 of a crime, all related information necessary for the department to determine
3 whether the circumstances of the pending criminal charge or conviction are
4 substantially related to the practice of substance abuse counseling.

5 **SPS 161.02 Substance abuse counselor application.** (1) Except as
6 provided in sub. (2), an applicant for certification as a substance abuse counselor
7 shall submit all of the following:

8 (a) An application form.

9 (b) A fee as determined by the department under s. 440.05, Stats.

10 (c) Evidence of successful passage of the jurisprudence examination unless the
11 applicant has previously passed the examination in the process of obtaining a
12 substance abuse counselor-in-training credential.

13 (d) Evidence of completion of 360 hours of substance use disorder specialized
14 education through a postsecondary institution or a department-approved education
15 program. The 360 hours shall be in all of the following:

16 1. Sixty hours in assessment training.

17 2. Sixty hours in counseling. *training ✓*

18 3. Sixty hours in case management.

19 4. Sixty hours in patient education.

20 5. Sixty hours in professional responsibility.

21 6. Six hours in boundaries and ethics.

22 7. Fifty-four hours in electives in any of the subjects in subs. 1. to 6.

23 (e) Evidence of successful passage of the National Association for Alcoholism
24 and Drug Abuse Counselors' NCAC I exam.

1 (f) Evidence of completion of 3,000 hours of work experience performing the
2 practice dimensions supervised by an individual under ch. SPS 162 within the 5
3 years immediately preceding the date of application. The 3,000 hours shall include
4 all of the following:

5 1. One thousand hours in providing substance use disorder counseling with a
6 minimum of 500 hours in a one-on-one individual modality setting.

7 2. Two hundred hours of providing counseling during the 12-month period
8 immediately preceding the date of application of which 100 hours shall have been
9 completed using an individual modality setting.

10 (g) For applicants who have a pending criminal charge or have been convicted
11 of a crime, all related information necessary for the department to determine
12 whether the circumstances of the pending criminal charge or conviction are
13 substantially related to the practice of substance abuse counseling.

14 (2) An applicant for certification as a substance abuse counselor who is
15 credentialed by the marriage and family therapy, professional counseling, and social
16 work examining board at the bachelor's level or higher shall submit evidence
17 satisfactory to the department of the applicant's current credential under ch. 457,
18 Stats.

19 **SPS 161.03 Clinical substance abuse counselor application.** (1) Except
20 as provided in sub. (2), an applicant for certification as a clinical substance abuse
21 counselor shall submit all of the following:

22 (a) An application form.

23 (b) A fee as determined by the department under s. 440.05, Stats.

1 (c) Evidence of successful passage of the jurisprudence examination unless the
2 applicant has previously passed the examination in the process of obtaining a
3 substance abuse counselor-in-training or substance abuse counselor credential.

4 (d) Evidence of one of the following:

5 1. Holding a substance abuse counselor credential.

6 2. Completion of 360 hours of substance use disorder specialized education
7 through a postsecondary institution or department-approved education program.

8 The 360 hours shall be in all of the following:

9 a. Sixty hours in assessment training.

10 b. Sixty hours in counseling ^{training} ✓

11 c. Sixty hours in case management.

12 d. Sixty hours in patient education.

13 e. Sixty hours in professional responsibility.

14 f. Six hours in boundaries and ethics.

15 g. Fifty-four hours in electives in any of the subjects in subds. 2. a. to f.

16 (e) Evidence of an associate's degree or higher in a behavioral science field from
17 an accredited university or college.

18 (f) Evidence of successful passage of the National Association for Alcoholism
19 and Drug Abuse Counselors' NCAC I exam.

20 (g) Evidence of completion of 5,000 hours of work experience performing the
21 practice dimensions, supervised by an individual under ch. SPS 162 within the 5
22 years immediately preceding the date of application. The 5,000 hours may include
23 any work experience hours obtained as a requirement of the substance abuse
24 counselor credential.

1 (h) For applicants who have a pending criminal charge or have been convicted
2 of a crime, all related information necessary for the department to determine
3 whether the circumstances of the pending criminal charge or conviction are
4 substantially related to the practice of substance abuse counseling.

5 (2) An applicant for certification as a clinical substance abuse counselor who
6 is credentialed by the marriage and family therapy, professional counseling, and
7 social work examining board at the master's level or higher shall submit evidence
8 satisfactory to the department of the applicant's current credential under ch. 457,
9 Stats.

10 **SPS 161.04 Clinical supervisor-in-training application.** An applicant
11 for certification as a clinical supervisor-in-training shall submit all of the following:

12 (1) An application form.

13 (2) A fee as determined by the department under s. 440.05, Stats.

14 (3) Evidence of current employment, a written offer of employment, or an
15 agreement authorizing volunteer hours as a clinical supervisor of counselors
16 providing substance use disorder treatment services who are certified under s.
17 440.88, Stats., or under ch. 457, Stats.

18 (4) Evidence of one of the following:

19 (a) Holding an active clinical substance abuse counselor credential.

20 (b) Holding an active credential under ch. 457, Stats., at the master's level or
21 higher.

22 **SPS 161.05 Intermediate clinical supervisor or independent clinical**
23 **supervisor application.** An applicant for certification as an intermediate clinical
24 supervisor or independent clinical supervisor shall submit all of the following:

25 (1) An application form.

- 1 (2) A fee as determined by the department under s. 440.05, Stats.
- 2 (3) Evidence of holding an active credential of one of the following:
- 3 (a) Clinical substance abuse counselor.
- 4 (b) A credential under ch. 457, Stats., at the master's level or higher.
- 5 (4) Evidence of 2 years of clinical supervisory experience as a
- 6 supervisor-in-training or intermediate supervisor within the last 5 years as the
- 7 supervisor of counselors certified under s. 440.88, Stats., or having a credential
- 8 under ch. 457, Stats.
- 9 (5) Evidence of one of the following:
- 10 (a) Holding an intermediate clinical supervisor credential.
- 11 (b) Successful completion of 30 hours of education in clinical supervision,
- 12 including a minimum of 6 hours of training in each of the following:
- 13 1. Assessment and evaluation.
- 14 2. Counselor development.
- 15 3. Management and administration.
- 16 4. Professional responsibility.
- 17 (c) Holding an American Association for Marriage and Family Therapy
- 18 supervisor certification.
- 19 (6) Evidence of successful passage of the National Association of Alcoholism
- 20 Counselors and Trainers' NCSE exam.
- 21 **SPS 161.06 Prevention specialist-in-training application.** An applicant
- 22 for certification as a prevention specialist-in-training shall submit all of the
- 23 following:
- 24 (1) An application form.
- 25 (2) A fee as determined by the department under s. 440.05, Stats.

1 (3) Evidence of successful completion of 40 hours of approved education,
2 including 5 hours specific to ethics, in the following content areas:

3 (a) Planning and evaluation.

4 (b) Prevention education and service delivery.

5 (c) Communication.

6 (d) Community organization.

7 (e) Public policy and environmental change.

8 (f) Professional growth and responsibility.

9 **SPS 161.07 Prevention specialist application.** An applicant for
10 certification as a prevention specialist shall submit all of the following:

11 (1) An application form.

12 (2) A fee as determined by the department under s. 440.05, Stats.

13 (3) Evidence of successful passage of the jurisprudence examination.

14 (4) Evidence of successful completion of 120 hours of approved education,
15 including 50 hours specific to alcohol, tobacco, and other substance abuse and 6 hours
16 specific to ethics, in the following content areas:

17 (a) Planning and evaluation.

18 (b) Prevention education and service delivery.

19 (c) Communication.

20 (d) Community organization.

21 (e) Public policy and environmental change.

22 (f) Professional growth and responsibility.

23 **SPS 161.08 Reciprocity.** An applicant holding a current credential in good
24 standing as a substance abuse counselor, clinical supervisor, or prevention specialist
25 or its equivalent in another state or U.S. territory with requirements for the

1 credential that are not lower than specified in this chapter shall submit all of the
2 following:

- 3 (1) An application form.
- 4 (2) A fee as determined by the department under s. 440.05, Stats.
- 5 (3) For applicants who have a pending criminal charge or have been convicted
6 of a crime, all related information necessary for the department to determine
7 whether the circumstances of the pending criminal charge or conviction are
8 substantially related to the practice of substance abuse counseling.
- 9 (4) For applicants who have had disciplinary or adverse action taken on their
10 substance abuse counselor, clinical supervisor, or prevention specialist credential or
11 its equivalent, all related information necessary for the department to determine
12 whether the circumstances of the disciplinary action or adverse action warrant
13 denial of the application.
- 14 (5) Evidence of successful passage of jurisprudence examination.

15 **SECTION 43.** Chapter SPS 162 of the administrative code is repealed and
16 recreated to read:

17 **Chapter SPS 162**

18 **SUPERVISED PRACTICE**

19 **SPS 162.01 Supervised practice requirement.** An applicant under s. SPS
20 161.02 (1), 161.03 (1), or 161.05 shall complete a period of supervised practice.
21 Supervision may be exercised by a person regardless of whether the person is an
22 employment supervisor.

23 **SPS 162.02 Substance abuse counselor supervised practice. (1)**
24 **SUPERVISOR QUALIFICATIONS.** Supervision of the supervised practice may be exercised
25 by any of the following:

- 1 (a) A clinical supervisor-in-training.
- 2 (b) An intermediate clinical supervisor.
- 3 (c) An independent clinical supervisor.
- 4 (d) A physician knowledgeable in addiction treatment.
- 5 (e) A psychologist knowledgeable in psychopharmacology and addiction
- 6 treatment.

7 **(2) SUPERVISION REQUIREMENTS.** (a) A supervisor shall provide 2 hours of clinical
8 supervision for every 40 hours of work performed by any of the following:

- 9 1. A substance abuse counselor-in-training.
- 10 2. An applicant for a substance abuse counselor.
- 11 3. An applicant for clinical substance abuse counselor unless the applicant
- 12 holds a substance abuse counselor credential.

13 (b) A supervisor shall provide one hour of clinical supervision for every 40 hours
14 of work performed by a substance abuse counselor obtaining supervised experience
15 for a clinical substance abuse counselor certification.

16 (c) A supervisor shall provide one in-person meeting or visual electronic
17 conferencing each month. This meeting may fulfill part of the requirements in par.

18 (a) or (b).

19 (d) The clinical supervision hourly requirement may be averaged out over a
20 period no longer than one month.

21 **(3) GROUP SUPERVISION.** Group supervision shall meet all of the following:

22 (a) The group shall consist of no more than 8 supervisees for every one person
23 providing supervision.

24 (b) Each person receiving supervision as part of the group session receives one
25 hour credit for each hour that the group meets for supervision, but may not credit any

1 time which is primarily social activity with the group or supervisor as part of a
2 supervision session.

3 (4) METHODS. Methods for supervision may include any of the following:

4 (a) Direct observation of treatment.

5 (b) Auditing patient files.

6 (c) Case review and discussion of active cases.

7 (d) Video or audio review.

8 (e) Observation of the supervisee's professional interaction with patients and
9 staff.

10 (5) SUPERVISOR RESPONSIBILITIES. The supervisor's responsibilities include all
11 of the following:

12 (a) Exercising supervisory responsibility in regards to all activities including
13 counselor development, counselor skill assessment, performance evaluation, and
14 professional responsibility.

15 (b) Providing the opportunity to develop competency in substance abuse
16 disorder counseling and contexts for professional growth and development, and
17 ensuring a continuance of quality patient care.

18 (c) Permitting the supervisee to engage only in practice that the supervisee is
19 competent to perform.

20 (d) Permitting the supervisee to engage only in practice that the supervisor can
21 competently perform.

22 (e) Being legally and ethically responsible for the supervised activities of the
23 supervisee.

24 (f) Being available or making appropriate provision for emergency consultation
25 and intervention.

1 (g) Being able to interrupt or stop the supervisee from practicing in given cases
2 or recommend to the supervisee's employer that the employer interrupt or stop the
3 supervisee from practicing in given cases.

4 (h) Terminating the supervised relationship.

5 **SPS 162.03 Clinical supervisory practice. (1) SUPERVISOR QUALIFICATIONS.**

6 Supervision of the clinical supervisory practice may be exercised by any of the
7 following:

8 (a) An intermediate clinical supervisor.

9 (b) An independent clinical supervisor.

10 (c) A physician who practices as a substance abuse clinical supervisor within
11 the scope of his or her license.

12 (d) A psychologist who practices as a substance abuse clinical supervisor within
13 the scope of his or her license.

14 **(2) SUPERVISION REQUIREMENTS.** (a) A supervisor shall provide one hour of
15 supervision for every 40 hours of clinical supervisory practice performed by any of
16 the following:

17 1. A clinical supervisor-in-training.

18 2. An intermediate supervisor.

19 (b) A supervisor shall provide one in-person meeting or visual electronic
20 conferencing each calendar month. This meeting may fulfill part of the requirements
21 in par. (a).

22 (c) The supervision hourly requirement may be averaged out over a period no
23 longer than one month.

24 **(3) SUPERVISOR RESPONSIBILITIES.** The supervisor's responsibilities include all
25 of the following:

- 1 (a) Exercising supervisory responsibility in regards to all clinical supervisory
- 2 activities.
- 3 (b) Providing the opportunity to develop competency in supervising substance
- 4 abuse counselors.
- 5 (c) Being legally and ethically responsible for the supervised activities of the
- 6 supervisee.
- 7 (d) Being available or making appropriate provision for emergency
- 8 consultation and intervention.
- 9 (e) Terminating the supervised relationship.

10 SECTION 44. SPS 163.01 of the administrative code is repealed.

11 SECTION 45. SPS 163.02 (1) of the administrative code is renumbered SPS
12 163.02 and amended to read:

13 **SPS 163.02 Substance abuse counselor-in-training; limited scope of**
14 **practice.** The granting of a substance abuse counselor-in-training certificate does
15 not denote or assure competency to provide substance use disorder counseling. A
16 substance abuse counselor-in-training may provide services ~~in any of the core~~
17 ~~functions, except counseling,~~ if authorized and documented by the clinical
18 supervisor. ~~A clinical supervisor may only authorize a substance abuse~~
19 ~~counselor-in-training to provide counseling in accordance with sub. (2).~~

20 SECTION 46. SPS 163.02 (2) of the administrative code is repealed.

21 SECTION 47. SPS 163.02 (3) of the administrative code is repealed.

22 SECTION 48. SPS 164.01 (2) (fm) of the administrative code is created to read:

23 SPS 164.01 (2) (fm) Allowing students or supervisees to perform services for
24 which the substance abuse professional is not qualified by education, training, or
25 experience to perform.

1 **SECTION 49.** SPS 164.01 (2) (j) of the administrative code is amended to read:

2 SPS 164.01 (2) (j) Discriminating in practice on the basis of age, race, color, sex,
3 religion, creed, national origin, ancestry, disability, gender identity, or sexual
4 orientation.

5 **SECTION 50.** SPS 164.01 (2) (k) of the administrative code is amended to read:

6 SPS 164.01 (2) (k) Revealing to other personnel not engaged in the care of a
7 patient or to members of the public information which concerns a patient's identity
8 or condition unless release of the information is authorized by the patient or required
9 or authorized by law. This provision shall not be construed to prevent a credential
10 holder from cooperating with the department in the investigation of complaints.

11 **SECTION 51.** SPS 164.01 (2) (x) of the administrative code is amended to read:

12 SPS 164.01 (2) (x) Failing to report to the department or to institutional
13 supervisory personnel any violation of the rules of this chapter by a substance abuse
14 professional.

15 **SECTION 52.** SPS 164.01 (2) (y) of the administrative code is created to read:

16 SPS 164.01 (2) (y) Disclosing supervisee confidences, except as follows:

- 17 1. As mandated by law.
18 2. To prevent a clear and immediate danger to a person.
19 3. In educational or training settings where there are multiple supervisors who
20 share responsibility for training of the supervisee.

21 **SECTION 53.** Chapter SPS 165 of the administrative code is repealed and
22 recreated to read:

23

Chapter SPS 165

24

RENEWAL AND REINSTATEMENT

1 **SPS 165.01 Late renewal.** (1) GENERAL. A person with an expired credential
2 under s. 440.88, Stats., may not reapply for a credential using the initial application
3 process.

4 (2) RENEWAL WITHIN 5 YEARS. A person renewing a credential under s. 440.88,
5 Stats., within 5 years after its expiration shall do all of the following:

6 (a) Pay the renewal fee as determined by the department under s. 440.03 (9)
7 (a), Stats., and any applicable late renewal fee.

8 (b) Certify the completion of continuing education under ch. SPS 168 during
9 the 2-year period preceding the last renewal date.

10 (3) RENEWAL AFTER 5 YEARS. This subsection does not apply to a credential holder
11 who has unsatisfied disciplinary requirements. A person renewing a credential
12 under s. 440.88, Stats., after 5 years of its expiration shall do all of the following:

13 (a) Pay the renewal fee as determined by the department under s. 440.03 (9)
14 (a), Stats., and the late renewal fee.

15 (b) Provide evidence of one of the following:

16 1. Holding a substantially equivalent credential in another state.

17 2. Completion of 60 hours of continuing education in the last 2 years, including
18 6 hours on ethics and boundaries and 6 hours of psychopharmacology.

19 **SPS 165.02 Reinstatement.** A credential holder who has unsatisfied
20 disciplinary requirements and has not renewed a credential under s. 440.88, Stats.,
21 within 5 years of its expiration or whose credential under s. 440.88, Stats., has been
22 surrendered or revoked may apply for the credential to be reinstated by submitting
23 all of the following:

24 (1) Evidence of completion of the requirements in s. SPS 165.01 (3) if the
25 credential has not been active within the past 5 years.

1 2. The instructor is a physician with knowledge and experience related to
2 substance use disorder counseling.

3 3. The instructor is a psychologist with knowledge and experience related to
4 substance use disorder counseling.

5 4. The instructor is an instructor of substance use disorder related courses at
6 an accredited institution.

7 (2) An instructor whose credential has been limited, suspended, or revoked
8 may not instruct in an approved program while the disciplinary action is in effect.

9 (3) An approved program shall inform the department in advance of any major
10 change in a course or instructor qualifications.

11 (4) An approval of a program remains in effect for 5 years. After 5 years, the
12 program shall resubmit a new application to become an approved educational
13 program.

14 (5) An approved program shall provide a certificate of completion or transcript
15 to each student and shall retain student records for at least 7 years after a student
16 has completed the program.

17 **SPS 166.02 Approved prevention specialist education.** The department
18 shall accept prevention specialist training provided, sponsored, or approved by any
19 of the following:

20 (1) An accredited college or university.

21 (2) The Wisconsin Association of Alcohol and Drug Abuse.

22 (3) The National Association of Alcohol and Drug Abuse Counselors.

23 (4) The Wisconsin Clearinghouse for Prevention Resources.

24 (5) The Federal Center for Substance Abuse Prevention.

1 The 4 hours completed under this subsection may count toward the continuing
2 education required for renewal of a clinical substance abuse counselor certification.

3 (5) A new credential holder is not required to satisfy continuing education
4 requirements during the time between initial credentialing and commencement of
5 a full 2-year credential period.

6 (6) Continuing education credit hours shall apply only to the 2-year credential
7 period during which the credit hours are completed. If a credential holder fails to
8 satisfy the continuing education requirements during a 2-year credential period,
9 any additional continuing education credit hours completed on or after the renewal
10 date to satisfy the requirement of the preceding period will not apply to the period
11 during which they are earned.

12 **SPS 168.02 Approved continuing education.** (1) A continuing education
13 program is approved if it is relevant to the practice of substance abuse counseling and
14 any of the following applies:

15 (a) The program is approved, sponsored, provided, endorsed, or authorized by
16 any of the following:

17 1. The National Association of Alcohol and Drug Abuse Counseling or one of
18 its affiliated divisions.

19 2. The International Certification & Reciprocity Consortium.

20 3. The American Association for Marriage and Family Therapy or one of its
21 affiliated divisions.

22 4. The Wisconsin Association for Marriage and Family Therapy.

23 5. The National Rehabilitation Counseling Association.

24 6. The American Rehabilitation Counseling Association.

25 7. The Wisconsin Rehabilitation Counseling Association.

- 1 8. The National Board for Certified Counselors.
- 2 9. The Commission on Rehabilitation Counselor Certification.
- 3 10. The Association of Social Work Boards.
- 4 11. The National Association of Social Workers or one of its affiliated chapters.
- 5 12. The Association of Baccalaureate Program Directors.
- 6 13. The Council on Social Work Education.
- 7 (b) The program or course is offered by a training program accredited by the
- 8 Commission on Accreditation for Marriage and Family Therapy Education.
- 9 (c) The program is approved, sponsored, or co-sponsored by a presenter
- 10 approved by the Committee for the Approval of Continuing Education Sponsors of
- 11 the American Psychological Association.
- 12 (d) The program or course is offered by an accredited college or university. A
- 13 credential holder shall receive 15 continuing education credit hours for completing
- 14 a semester course approved under this paragraph.
- 15 (e) The program is an employee sponsored inservice training and development
- 16 program. No more than 15 continuing education credit hours earned through
- 17 employee sponsored in-service training and development programs that are not
- 18 approved under par. (a), (b), (c), or (d) may count toward satisfying continuing
- 19 education requirements.
- 20 **(2)** (a) A person may earn continuing education credit hours for engaging in any
- 21 of the following activities, if the activity is relevant to the practice of substance abuse
- 22 counseling:
- 23 1. Presenting professional material. One continuing education credit hour is
- 24 earned under this subdivision for each hour of a continuing education presentation,
- 25 except that 15 credit hours are earned for presenting a semester-long educational

1 course. No continuing education credit hours are earned by a person for repeating
2 a presentation for which the person has previously earned continuing education. A
3 person who presents for any of the following may earn continuing education credit
4 hours under this subdivision:

5 a. A seminar, workshop, program, or institution that is approved under sub. (1).

6 b. A university, college, or vocational technical adult education course.

7 2. Developing professional material. One continuing education credit hour is
8 earned under this subdivision for each hour spent developing continuing education
9 professional material.

10 3. Authoring a published textbook or professional resource book. Fifteen
11 continuing education credit hours are earned for authoring a book under this
12 subdivision.

13 4. Authoring a professional journal article or a chapter published in a textbook
14 or professional resource book. Eight continuing education credit hours are earned
15 for authoring an article or chapter under this subdivision.

16 (b) A person may earn up to 15 continuing education credit hours that count
17 toward satisfying continuing education requirements by completing continuing
18 education that is approved under par. (a).

19 **SPS 168.03 Postponement or waiver.** A holder of a credential under s.
20 440.88, Stats., may apply to the department for a postponement or waiver of the
21 requirements under this chapter on grounds of prolonged illness, disability, or other
22 grounds constituting extreme hardship. The department shall consider each
23 application individually on its merits.

24 **SECTION 56. Initial applicability.**

