




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 VI**


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/P3
KP&TJD:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

7. 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. 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. 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.

7 (2) The advisory committee shall accept comments from the public related to
8 its review under sub. (1). Before conducting a review under sub. (1), the department

1 shall publish a class 1 notice under ch. 985 and shall publish notice on its Internet
2 site announcing the opportunity for public comment.

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

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

6 440.88 (3) (a) (intro.) Subject to pars. (b) and (c) and except as provided in sub.
7 (3m), the department shall promulgate rules that establish minimum standards and
8 qualifications for the certification of all of the following, including substance abuse
9 counselors and clinical supervisors ~~described under s. HFS 75.02 (11) and (84), Wis.~~
10 ~~Adm. Code, in effect on December 15, 2006, as defined by the department of health~~
11 services by rule:

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

13 440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined
14 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), or a licensed
15 psychologist, as defined in s. 455.01 (4), a marriage and family therapist, as defined
16 in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices
17 as a substance abuse clinical supervisor or provides substance abuse counseling,
18 treatment, or prevention services within the scope of his or her licensure.

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

20 440.88 (7) RECIPROCAL CERTIFICATION. The department ~~may~~ shall, upon
21 application and payment of the required fee, issue certification as a substance abuse
22 counselor, clinical supervisor, or prevention specialist to an individual who holds a
23 similar unexpired certification issued to the individual by another state for which the
24 requirements for certification are of a standard that is not lower than that specified
25 in this subchapter.

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

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

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

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

10 **SECTION 8.** 961.385 (2) (cm) 2. of the statutes, as created by 2015 Wisconsin Act
11 266, is amended to read:

12 961.385 (2) (cm) 2. A person who medically coordinates, directs, or supervises,
13 or establishes standard operating procedures for, a practitioner, pharmacist,
14 registered nurse, substance abuse counselor, or individual ~~authorized under s.~~
15 ~~457.02 (5m) to treat alcohol or substance dependency or abuse as a specialty to whom~~
16 records may be disclosed under subd. 1., if the person is evaluating the job
17 performance of the practitioner, pharmacist, registered nurse, substance abuse
18 counselor, or individual, or is performing quality assessment and improvement
19 activities, including outcomes evaluation or development of clinical guidelines, and
20 if the disclosure does not contain personally identifiable information, as defined in
21 s. 19.62 (5), of a patient and is limited to only those records about the practitioner,
22 pharmacist, registered nurse, substance abuse counselor, or individual the person
23 medically coordinates, directs, or supervises, or for whom the person establishes
24 standard operating procedures.

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

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

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

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

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

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

17 **SECTION 12.** MPSW 1.09 of the administrative code is repealed.

18 **SECTION 13.** Chapter SPS 160 (title) of the administrative code is amended to
19 read:

20 Chapter SPS 160

21 APPLICABILITY AND DEFINITIONS

22 **SECTION 14.** SPS 160.015 of the administrative code is created to read:

23 **SPS 160.015 Applicability.** (1) Except as provided in sub. (2), no person may
24 represent himself or herself to the public as a substance abuse counselor, clinical
25 supervisor, or prevention specialist or a certified substance abuse counselor, clinical

1 supervisor, or prevention specialist or use in connection with his or her name a title
2 or description that conveys the impression that he or she is a substance abuse
3 counselor, clinical supervisor, or prevention specialist or a certified substance abuse
4 counselor, clinical supervisor, or prevention specialist unless he or she is so certified
5 under s. 440.88, Stats.

6 (2) Chapters SPS 160 to 168 do not apply to any of the following:

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

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

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

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

20 (e) The preparation of a patient for substance use disorder treatment by
21 referral, the treatment of a patient for substance use disorder until a referral for
22 substance use disorder treatment is completed, and the continuation of treatment
23 with the nonsubstance use disorder issues of a person, when performed by a mental
24 health provider practicing within the scope of his or her credential.

25 **SECTION 15.** SPS 160.02 (2m) of the administrative code is created to read:

1 SPS 160.02 (2m) "Assessment training" means education on the
2 comprehensive process of collecting pertinent data about patients or patient systems
3 and their environment, and appraising the data as a basis for making decisions
4 regarding substance use disorder diagnosis and treatment or referral. The education
5 shall consist of culturally inclusive studies in understanding addiction,
6 psychopharmacology, recognition and differentiation of co-occurring medical and
7 psychological disorders, clinical evaluation, and treatment planning.

8 **SECTION 16.** SPS 160.02 (3) (g) of the administrative code is created to read:
9 SPS 160.02 (3) (g) Marriage and family therapy, as defined in s. 457.01 (5),
10 Stats.

11 **SECTION 17.** SPS 160.02 (3) (h) of the administrative code is created to read:
12 SPS 160.02 (3) (h) Professional counseling, as defined in s. 457.01 (6), Stats.

13 **SECTION 18.** SPS 160.02 (3m) of the administrative code is created to read:
14 SPS 160.02 (3m) "Case management" means education on culturally
15 appropriate administrative, clinical, and evaluative activities included in the
16 process of coordinating and prioritizing patient treatment goals and working with
17 the patient and significant others, as well as other services, agencies, and resources
18 to achieve those treatment goals. The education shall include studies in
19 implementing treatment plans including continuing assessment, the referral
20 process, service coordination, including for co-occurring medical and psychological
21 disorders, record management and documentation, and utilizing the written client
22 record to guide and monitor services to reach measurable goals and objectives.

23 **SECTION 19.** SPS 160.02 (6) of the administrative code is amended to read:
24 SPS 160.02 (6) "Clinical supervision" means a specific and definitive process
25 of oversight of a counselor's professional development in the didactic, experiential

1 and application of the transdisciplinary foundations, and practice dimensions
2 including core functions. Supervision takes place in intermittent in person contact
3 between a clinical supervisor and treatment staff provided on or off the site of a
4 service to ensure that each patient has an individualized treatment plan and is
5 receiving quality care. A primary purpose of "clinical supervision" is to ensure skill
6 development evidenced in quality patient care.

7 **SECTION 20.** SPS 160.02 (9) of the administrative code is repealed.

8 **SECTION 21.** SPS 160.02 (10) of the administrative code is repealed.

9 **SECTION 22.** SPS 160.02 (10m) of the administrative code is created to read:

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

18 **SECTION 23.** SPS 160.02 (14) of the administrative code is repealed.

19 **SECTION 24.** SPS 160.02 (16) of the administrative code is repealed.

20 **SECTION 25.** SPS 160.02 (19m) of the administrative code is created to read:

21 **SPS 160.02 (19m)** "Patient education" means education about the process of
22 providing patients, groups, families, couples, significant others, and communities
23 with information on risks related to substance use, the processes of dependence
24 including signs, symptoms, and behavior patterns, and available resources for
25 prevention, treatment, and recovery in culturally relevant ways. The education

1 shall include studies in understanding addiction including addiction to nicotine, the
2 classification and basic pharmacology of drugs, basic physiology and the effects of
3 drug use on the human body and patient, learning styles and teaching methods,
4 delivery of educational programs, health and behavior problems related to substance
5 use including transmission of HIV/AIDS, tuberculosis, sexually transmitted
6 infections, and other infectious diseases, and basic life skills such as stress
7 management, communication, and assertiveness.

8 **SECTION 26.** SPS 160.02 (22) of the administrative code is repealed.

9 **SECTION 27.** SPS 160.02 (24m) of the administrative code is created to read:

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

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

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

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

25 **SECTION 30.** SPS 160.03 of the administrative code is amended to read:

1 (f) Twenty-five hours in electives in any of the subjects in pars. (a) to (e).

2 (5) Evidence of current employment, a written offer of employment, internship,
3 practicum, or an agreement authorizing volunteer hours at an agency providing
4 substance use disorder treatment.

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

12 (a) An application form.

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

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

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

20 1. Sixty hours in assessment training.

21 2. Sixty hours in counseling training.

22 3. Sixty hours in case management.

23 4. Sixty hours in patient education.

24 5. Sixty hours in professional responsibility.

25 6. Six hours in boundaries and ethics.

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

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

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

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

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

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

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

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

25 (a) An application form.

- 1 (b) A fee as determined by the department under s. 440.05, Stats.
- 2 (c) Evidence of successful passage of the jurisprudence examination unless the
3 applicant has previously passed the examination in the process of obtaining a
4 substance abuse counselor-in-training or substance abuse counselor credential.
- 5 (d) Evidence of one of the following:
- 6 1. Holding a substance abuse counselor credential.
- 7 2. Completion of 360 hours of substance use disorder specialized education
8 through a postsecondary institution or department-approved education program.
9 The 360 hours shall be in all of the following:
- 10 a. Sixty hours in assessment training.
- 11 b. Sixty hours in counseling training.
- 12 c. Sixty hours in case management.
- 13 d. Sixty hours in patient education.
- 14 e. Sixty hours in professional responsibility.
- 15 f. Six hours in boundaries and ethics.
- 16 g. Fifty-four hours in electives in any of the subjects in subds. 2. a. to f.
- 17 (e) Evidence of an associate's degree or higher in a behavioral science field from
18 an accredited university or college.
- 19 (f) Evidence of successful passage of the National Association for Alcoholism
20 and Drug Abuse Counselors' NCAC I exam.
- 21 (g) Evidence of completion of 5,000 hours of work experience performing the
22 practice dimensions, supervised by an individual under ch. SPS 162 within the 5
23 years immediately preceding the date of application. The 5,000 hours may include
24 any work experience hours obtained as a requirement of the substance abuse
25 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 32.** SPS 163.01 of the administrative code is repealed.

16 **SECTION 33.** SPS 163.02 (1) of the administrative code is renumbered SPS
17 163.02 and amended to read:

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

25 **SECTION 34.** SPS 163.02 (2) of the administrative code is repealed.

1 **SECTION 35.** SPS 163.02 (3) of the administrative code is repealed.

2 **SECTION 36.** SPS 164.01 (2) (fm) of the administrative code is created to read:

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

6 **SECTION 37.** SPS 164.01 (2) (j) of the administrative code is amended to read:

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

10 **SECTION 38.** SPS 164.01 (2) (k) of the administrative code is amended to read:

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

16 **SECTION 39.** SPS 164.01 (2) (x) of the administrative code is amended to read:

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

20 **SECTION 40.** SPS 164.01 (2) (y) of the administrative code is created to read:

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

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

1 surrendered or revoked may apply for the credential to be reinstated by submitting
2 all of the following:

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

5 (2) Evidence of completion of disciplinary requirements, if applicable.

6 (3) Evidence of rehabilitation or change in circumstances warranting
7 reinstatement.

8 **SECTION 42.** Chapter SPS 166 of the administrative code is repealed and
9 recreated to read:

10 **Chapter SPS 166**

11 **EDUCATION APPROVAL**

12 **SPS 166.01 Approval of substance abuse counselor education.** (1) An
13 application to be a department-approved education program shall include all of the
14 following:

15 (a) A detailed outline of each course, or for core competency programs a detailed
16 outline of each core competency and how the competency will be measured.

17 (b) For each course or core competency, indicate the allocation of hours or
18 competency hour equivalencies for the following content areas:

- 19 1. Assessment training.
- 20 2. Counseling training.
- 21 3. Case management.
- 22 4. Patient education.
- 23 5. Professional responsibility.
- 24 6. Boundaries and ethics.

25 (c) Evidence that each instructor satisfies one of the following:

- 1 1. The instructor holds one of the following credentials in good standing:
- 2 a. Substance abuse counselor.
- 3 b. Clinical substance abuse counselor.
- 4 c. A credential under ch. 457, Stats.
- 5 2. The instructor is a physician with knowledge and experience related to
- 6 substance use disorder counseling.
- 7 3. The instructor is a psychologist with knowledge and experience related to
- 8 substance use disorder counseling.
- 9 4. The instructor is an instructor of substance use disorder related courses at
- 10 an accredited institution.
- 11 (2) An instructor whose credential has been limited, suspended, or revoked
- 12 may not instruct in an approved program while the disciplinary action is in effect.
- 13 (3) An approved program shall inform the department in advance of any major
- 14 change in a course or instructor qualifications.
- 15 (4) An approval of a program remains in effect for 5 years. After 5 years, the
- 16 program shall resubmit a new application to become an approved educational
- 17 program.
- 18 (5) An approved program shall provide a certificate of completion or transcript
- 19 to each student and shall retain student records for at least 7 years after a student
- 20 has completed the program.
- 21 **SPS 166.02 Approved prevention specialist education.** The department
- 22 shall accept prevention specialist training provided, sponsored, or approved by any
- 23 of the following:
- 24 (1) An accredited college or university.
- 25 (2) The Wisconsin Association of Alcohol and Drug Abuse.

1 (4) A clinical supervisor shall complete 4 hours of continuing education each
2 2-year credential period related to the supervision of substance abuse counselors.
3 The 4 hours completed under this subsection may count toward the continuing
4 education required for renewal of a clinical substance abuse counselor certification.

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

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

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

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

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

21 2. The International Certification & Reciprocity Consortium.

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

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

25 5. The National Rehabilitation Counseling Association.

- 1 6. The American Rehabilitation Counseling Association.
- 2 7. The Wisconsin Rehabilitation Counseling Association.
- 3 8. The National Board for Certified Counselors.
- 4 9. The Commission on Rehabilitation Counselor Certification.
- 5 10. The Association of Social Work Boards.
- 6 11. The National Association of Social Workers or one of its affiliated chapters.
- 7 12. The Association of Baccalaureate Program Directors.
- 8 13. The Council on Social Work Education.

9 (b) The program or course is offered by a training program accredited by the
10 Commission on Accreditation for Marriage and Family Therapy Education.

11 (c) The program is approved, sponsored, or co-sponsored by a presenter
12 approved by the Committee for the Approval of Continuing Education Sponsors of
13 the American Psychological Association.

14 (d) The program or course is offered by an accredited college or university. A
15 credential holder shall receive 15 continuing education credit hours for completing
16 a semester course approved under this paragraph.

17 (e) The program is an employee sponsored inservice training and development
18 program. No more than 15 continuing education credit hours earned through
19 employee sponsored in-service training and development programs that are not
20 approved under par. (a), (b), (c), or (d) may count toward satisfying continuing
21 education requirements.

22 (2)(a) A person may earn continuing education credit hours for engaging in any
23 of the following activities, if the activity is relevant to the practice of substance abuse
24 counseling:

1 1. Presenting professional material. One continuing education credit hour is
2 earned under this subdivision for each hour of a continuing education presentation,
3 except that 15 credit hours are earned for presenting a semester-long educational
4 course. No continuing education credit hours are earned by a person for repeating
5 a presentation for which the person has previously earned continuing education. A
6 person who presents for any of the following may earn continuing education credit
7 hours under this subdivision:

- 8 a. A seminar, workshop, program, or institution that is approved under sub. (1).
9 b. A university, college, or vocational technical adult education course.

10 2. Developing professional material. One continuing education credit hour is
11 earned under this subdivision for each hour spent developing continuing education
12 professional material.

13 3. Authoring a published textbook or professional resource book. Fifteen
14 continuing education credit hours are earned for authoring a book under this
15 subdivision.

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

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

22 **SPS 168.03 Postponement or waiver.** A holder of a credential under s.
23 440.88, Stats., may apply to the department for a postponement or waiver of the
24 requirements under this chapter on grounds of prolonged illness, disability, or other

1 grounds constituting extreme hardship. The department shall consider each
2 application individually on its merits.

3 **SECTION 44. Initial applicability.**

4 (1) The treatment of chapters SPS 161, SPS 165, and SPS 166 of the Wisconsin
5 Administrative Code first applies to an application received by the department of
6 safety and professional services on the effective date of this subsection.

7 **SECTION 45. Effective dates.** This act takes effect on the day after publication,
8 except as follows:

9 (1) The repeal and modifications of administrative rules take effect as provided
10 in section 227.265 of the statutes.

11 (END)