

2017 DRAFTING REQUEST**Assembly Amendment (AA-AB907)**For: **John Nygren (608) 266-2343**Drafter: **kpaczusk**By: **Chris**Secondary Drafters: **agary
tdodge**Date: **2/1/2018**Same as LRB: **a2043**

May Contact:

Submit via email: **YES**Requester's email: **Rep.Nygren@legis.wisconsin.gov**Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov****Konrad.Paczuski@legis.wisconsin.gov****tamara.dodge@legis.wisconsin.gov****Pre Topic:**

No specific pre topic given

Topic:

Practice of substance abuse counseling; clarifying UW system funding for fellowships for graduate nursing students; prior authorization for Medical Assistance recipients

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 2/1/2018	anienaja 2/1/2018			
/P1	kpaczusk 2/5/2018	kfollett 2/5/2018	lparisi 2/1/2018		
/P2	kpaczusk 2/7/2018	anienaja 2/7/2018	lparisi 2/5/2018		
/P3	tdodge	kmochal	dwalker		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/7/2018	2/7/2018	2/7/2018		
/P4	kpaczusk 2/8/2018	wjackson 2/8/2018	jmurphy 2/7/2018		
/P5	tdodge 2/8/2018	eweiss 2/8/2018	lparisi 2/8/2018		
/1			dwalker 2/8/2018	dwalker 2/8/2018	

FE Sent For:

<END>

From: Borgerding, Chris
Sent: Thursday, February 01, 2018 9:13 AM
To: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>
Subject: changes to AB907

Good morning Aaron,

Was wondering if I could have an amendment drafted with several provisions for AB 907.

Changes for the Substance Abuse portion of the bill:

DHS 75.03(4)(d) must also be revised to include, in addition to physicians and psychologists, those licensed psychotherapists outlined in the SPS 160.015(2) exception in order to be consistent with the other recommendations outlined in the *substance abuse counselor* section of this bill. Otherwise we are right back where we started with regard to this matter; leaving licensed psychotherapists with the requirement to obtain the SAC in order to treat patients with substance use disorders in a DHS 75 certified clinic.

- **Fine to add licensed psychotherapist but let's be consistent with language and include "knowledge in addiction treatment". This could read something like:**

**SECTION 33. DHS 75.03 (4) (e) of the administrative code is amended to read:
DHS 75.03 (4) (e) Any staff who provides clinical supervision, as defined in s. SPS 160.02 (6), shall be a clinical supervisor, as defined in s. SPS 160.02 (7), except for a physician knowledgeable in addiction treatment, licensed psychologist with a knowledge of psychopharmacology and addiction treatment, licensed psychotherapist with a knowledge of addiction treatment, or professional possessing the s. MPSW 1.09 subspecialty a credential under ch. 457, Stats.**

—> Is section (d) also going to be revised to include this exception? This was not answered in previous reply (or I missed it if it was).

Section 32, p. 14

This paragraph should clearly state that those credentialed under 457 practice within the scope of their credential as authorized in MPSW. The reason for this is due to the fact that 457 encompasses individuals with *certifications* that do not allow for the independent practice of psychotherapy, which by definition in the chapter includes the treatment of addiction - see MPSW 1.02(2m). Counseling, by definition does NOT include treatment of addiction, thus the need for the more specific definition recommended for Section 31 above - see MPSW 2.01(10). For example, a certified social worker is not qualified by means of education, training or credential to engage in psychotherapy, and other certifications authorized by 457 and enacted in MPSW require supervision from individuals *licensed* under 457 and MPSW (e.g., LCSW, LMFT, LPC). Individuals credentialed with only *certifications* under these chapters should not be exempt from supervision requirements for one specific patient population - i.e., those with substance use disorders. My recommendation seems to be supported by the exemption for licensed individuals outlined in SPS 160.015(2) as well as the *SAC certification requirement* outlined in SPS 161.02(2), which suggests those not given the exception in SPS 160.015(2) but who are *certified* (not licensed) by MPSW would still be required to apply for SAC certification to treat SUD. Therefore, they should also be restricted from engaging in the act of clinical supervision if they are not *licensed* under MPSW or have the SAC clinical supervisor credential (SPS 161.04 and 05; pp. 23, 24 of the bill). The goal of the revisions, as I outlined in my presentation at the Opioid Task Force Meeting, should be to remove

regulations/rules that currently get in the way of *licensed psychotherapists* treating substance use disorders but should *not* be meant to expand the scope of practice for unlicensed individuals beyond what is already authorized by rule (i.e., supervised practice).

- **Adding clarification so that there is no misinterpretation that any MPSW credentialed under ch. 457 can treat substance use disorder is fine. We want to ensure they are all qualified quality providers with the necessary experience to treat SUD.**

Section 33, p. 14, line 21

"Credential" should be replaced with "licensed," for reasons outlined above.

→ *For consistency, can "credential" be replaced with "licensed" not only for line 21 but also for line 14?*



Section 41, p. 17, line 9

The use of the term "treatment provider" deviates from the use of the term "counselor" in the rest of the chapter. The use of the term "counselor" in this paragraph might better promote clarity and consistency of interpretation of the chapter.

Change to the continuing education portion of the bill:

Section 21, line 8 change dispense to prescribe.

Thank you!

And please let me know if you have any questions!

Chris

Chris Borgerding

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

Paczuski, Konrad

From: Borgerding, Chris
Sent: Thursday, February 01, 2018 11:08 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Cc: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Subject: RE: changes to AB907

Mike, we are going to leave AS IS. Thanks!

From: Duchek, Michael
Sent: Thursday, February 01, 2018 10:31 AM
To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Subject: RE: changes to AB907

So, if you look at Sections 18 and 21, the CE requirement for physicians only applies if the physician is authorized to dispense (and prescribe) controlled substances under federal law (i.e., they have a DEA number). So, to answer what I think he is asking, what I tried to say with the language was that *you only have to do this CE for best practices in prescribing controlled substances if you have a DEA number*, and conversely if you didn't have a DEA number, you wouldn't have to do it. If that needs to be made more clear somehow, I am open to it, and obviously DSPS's interpretation might matter more than mine, but I referenced the provisions in federal law that contain the DEA registration requirement, so I hope that would be clear enough.

And just to be clear, I used the same language for the other professions as well, not just physicians, so again if a change or clarification is requested, I would presumably want to make it everywhere.

-Mike

From: Borgerding, Chris
Sent: Thursday, February 01, 2018 9:50 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: changes to AB907

Hi Mike,

Here is the response I got from Mark.

Thanks for this, Chris! And I agree on the "dispense" trigger 'cause that's the US code language as the LRB points out. To that issue: does that mean that physicians w/o that DEA registration would NOT be subject to that provision (which I still strongly believe isn't necessary in the first place), kind of like how the MEB when setting up their CME rule for the last two CME cycles (four years total) didn't require non-prescribing physicians to take a specific course on the opioid prescribing guideline?

From: Duchek, Michael
Sent: Thursday, February 01, 2018 9:41 AM
To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Subject: RE: changes to AB907

Thanks. Obviously Mark is knowledgeable, and so I would be interested in hearing his thoughts.

From: Borgerding, Chris
Sent: Thursday, February 01, 2018 9:39 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: changes to AB907

Hi Mike,

Thanks for getting back to me so quickly and with the info. That is a good question. Mark Grapentine from the Wisconsin Medical Society brought it to our attention. I think you have a good point and I'd defer to you on this. Let me see what he says and if he is okay with leaving it how it is.

Thanks!

From: Duchek, Michael
Sent: Thursday, February 01, 2018 9:38 AM
To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Subject: RE: changes to AB907

Chris, regarding the change below, highlighted in yellow:

- 1.) Federal law, 21 USC 802 (10), defines "dispense" as including prescribing and uses the term "dispense" in describing who can prescribe controlled substances (see 21 USC 822 (a) (2)). So, that is why I used the term "dispense" in the bill, to match federal law, which I think is more accurate in this context. While I don't think changing it to prescribe in this context would really make a difference, I am interested in knowing whether you have heard otherwise in case I am wrong.
- 2.) You asked for this change only in one specific section, dealing with physicians. I would think you'd want it in all the sections for the other professions too. Correct?

-Mike

From: Gary, Aaron
Sent: Thursday, February 01, 2018 9:22 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Kuczynski, Tracy <Tracy.Kuczynski@legis.wisconsin.gov>; Pleviak, Krista <Krista.Pleviak@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Cc: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Subject: FW: changes to AB907

Change to the continuing education portion of the bill:

Section 21, line 8 change dispense to prescribe.

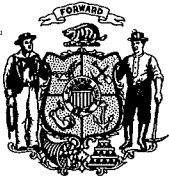
Thank you!

And please let me know if you have any questions!

Chris

Chris Borgerding

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1960/DeP1
KP:...ann

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 907

DUE TODAY

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

2 **1.** Page 14, line 14: delete that line and substitute:

3 “clinical social worker, marriage and family therapist, or professional counselor
4 license granted under ch. 457, Stats., granted by DSPS.”.

****NOTE: Under this change, the term “substance abuse counselor” in ch. DHS 75, Wis. Adm. Code, would include persons holding clinical social worker licenses, marriage and family therapist licenses, or professional counselor licenses, but not other certifications granted under ch. 457.

5 **2.** Page 14, line 21: delete “credential” and substitute “clinical social worker,
6 marriage and family therapist, or professional counselor license granted”.

7 **3.** Page 14, line 2: after “Stats.” insert “and knowledgeable in addiction
8 treatment.”.



State of Wisconsin
2017 - 2018 LEGISLATURE

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KRG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 907

INSERT

DUE TODAY

Insert
1-1
AG

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- 2 **1.** Page 14, line 14: delete that line and substitute:
- 3 “clinical social worker, marriage and family therapist, or professional counselor
- 4 license granted under ch. 457, Stats., granted by DSPS.”.
- 5 **2.** Page 14, line 21: delete “credential” and substitute “clinical social worker,
- 6 marriage and family therapist, or professional counselor license granted”.
- 7 **3.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
- 8 treatment.”.

****NOTE: Under this change, the term “substance abuse counselor” in ch. DHS 75, Wis. Adm. Code, would include persons holding clinical social worker licenses, marriage and family therapist licenses, or professional counselor licenses, but not other certifications granted under ch. 457.

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1960/P2insAG
ARG...

1

2

3

INSERT 1-1 AG:

4

1. Page 5, line 13: after “for” insert “graduate”.

5

Gary, Aaron

From: Borgerding, Chris
Sent: Monday, February 05, 2018 12:02 PM
To: GINA M BRYAN
Cc: Gary, Aaron
Subject: Re: Graduate Nurse Education Bill Draft Question

Great. Thanks so much Gina!

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On Mon, Feb 5, 2018 at 12:01 PM -0600, "GINA M BRYAN" <gmbryan@wisc.edu> wrote:

Chris and Aaron,

Making the following changes would be adequate. It them aligns with the current state protected titles:

1. Please leave p. 5 line 10 as it currently reads.
2. Please add on p.5 to line 13 "graduate psychiatric mental health nursing students" to "Psychiatric mental health nursing students".
- NO
ARG 3. On p. 2 can you please replace "nurse Practitioner" with advanced practice nurse prescriber?

Please let me know if I can help in any way. I am so appreciative of your work.

Best,
Gina Bryan

On

Gina Bryan, DNP, PMHCNS-BC, APNP
Director, Post Graduate Psychiatric-Mental Health Program
Clinical Associate Professor
University of Wisconsin-Madison
Journey Mental Health Center
Email: gmbryan@wisc.edu
Phone: (608) 444-8558
701 Highland Avenue
Madison, Wisconsin 53705

From: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Sent: Monday, February 5, 2018 11:47 AM
To: GINA M BRYAN
Subject: Fwd: Graduate Nurse Education Bill Draft Question

Gina please see below and get back to me ASAP. Thank you!

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From: Gary, Aaron <aaron.gary@legis.wisconsin.gov>
Sent: Monday, February 5, 2018 11:42
Subject: RE: Graduate Nurse Education Bill Draft Question
To: Borgerding, Chris <chris.borgerding@legis.wisconsin.gov>
Cc: Dodge, Tamara <tamara.dodge@legis.wisconsin.gov>

Hi Chris,

I ended up drafting this piece that went into AB-907, providing funding to the UW, and believe the nursing terminology used was simply included to follow along the lines of the instructions, so if the UW has a concern I'm happy to draft an amendment to address that concern, but I would like to make sure I understand the desired change. The provision appears on p. 5, lines 3-19.

1. On p. 5, line 10, replace "board-eligible psychiatric mental health nurse practitioners" with "advanced practice psychiatric nurses".
2. On p. 5, line 13, replace "psychiatric mental health nursing students" with "advanced practice psychiatric nursing student".

Would making these two changes adequately resolve the UW's concerns? If not, I would appreciate further input from the UW on what specific changes in terminology are necessary on p. 5, lines 3-19.

Thanks.
Aaron

Aaron R. Gary
Senior Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Chris Borgerding [<mailto:christopherjborgerding@gmail.com>]
Sent: Monday, February 05, 2018 7:34 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Graduate Nurse Education Bill Draft Question

Hi Tami,

I have a quick question regarding one of the bill drafts you drafted that is now part of AB 907. I have been speaking with Gina Bryan at the UW School of Nursing and she has a concern with the draft. Here is what she sent me:

"There are some concerns with the terms used for psych nurses, as if you don't specify advanced practice psych nurses or APNP then it may apply to RNs."

I was wondering if you had any insight as to if her concerns are true. If her concerns do have grounds, I'd like to draft an amendment to fix that.

thanks!

Chris

Christopher J. Borgerding

608-438-4615

ChristopherJBorgerding@gmail.com

[My LinkedIn Account](#)

Paczuski, Konrad

To: Borgerding, Chris
Subject: RE: info for phone call

From: Borgerding, Chris
Sent: Tuesday, February 06, 2018 3:20 PM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>; Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: info for phone call

1) **Issue:** Rule promulgation.

Background: The bill, as introduced, will require promulgation of rules by the Medical Examining Board, Dentistry Examining Board, Optometry Examining Board, Board of Nursing, and Podiatry Affiliated Credentialing Board for establishing continuing education requirements regarding best practices in prescribing controlled substances.

Recommendation: Modify the bill to provide explicit emergency rule-making authority for the various boards referenced above, and specify that any emergency rules promulgated by these boards under the bill would remain in effect until May 1, 2019, or the date on which permanent rules take effect (whichever is sooner). Allowing any emergency rules promulgated by the boards to remain in effect until May 1, 2019, will provide enough time for completion of any necessary permanent rules, considering that the 2017-18 regular session is nearing its end.

2) **Issue:** General effective date.

Background: With exception to the bill's treatment of chapters SPS 161, SPS 165, and SPS 166, the bill, as introduced, would take effect immediately (i.e. the day after publication of the bill). That, however, would not give the various boards enough time necessary to promulgate the rules required under the bill, nor would it give the department enough time to implement the various provisions included in the bill. To implement this bill, the department will need to make updates to renewal application forms, the Integrated Credentialing Enforcement (ICE) database system, and to the department's website.

Recommendation: Modify the bill to establish a 9-month delayed effective date, which would allow the boards enough time to complete the necessary rulemaking under the bill, and the department enough time to make the necessary changes to implement the various provisions in the bill.

3) **Issue:** Behavioral health review committee.

Background: This bill requires the secretary of DSPS to appoint an advisory committee to provide advice concerning behavioral health, and may propose statutory and administrative rule changes to DSPS. Under the bill, the advisory committee is required to semiannually review the requirements for obtaining the following:

- Certain substance abuse counseling certifications;
- Credentials granted by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board; and
- Other credentials related to behavioral health.

Recommendation: Modify the provision specified in section 8 of the bill on page 7, lines 5-6, which provides that the advisory committee may propose changes in statutes and rules to the department, to also allow the advisory committee to propose changes to the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board.

Chris Borgerding

Office of State Representative John Nygren

Co-Chair, Joint Committee on Finance

89th Assembly District

309 East, State Capitol

608.266.2343

Paczuski, Konrad

From: Borgerding, Chris
Sent: Tuesday, February 06, 2018 3:22 PM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Subject: FW: DSPS Comments - AB 907/SB 767

Konrad please see below, we would like this added to the amendment.

Thank you!

From: Yahn, Nathan - DSPS
Sent: Tuesday, February 06, 2018 12:47 PM
To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Cc: Delaporte, Bob <Bob.Delaporte@legis.wisconsin.gov>
Subject: RE: DSPS Comments - AB 907/SB 767

Chris,

As mentioned during our call just now, the department recommends the following modification be made to AB 907/SB 767.

- **At the locations indicated, amend the bill as follows:**
 1. Page 24, line 15: delete "2 years" and substitute "1 year".

Note: The reference to "2 years" for clinical supervisory experience, that exists currently in the department's *draft* permanent rule, under chs. SPS 160 to 168, relating to substance abuse counselor credentials, should have been originally drafted to read "1 year". This was an oversight, and the department was recently alerted to this error by a comment that was made by one of the Substance Abuse Review Committee members at the rule's public hearing last Friday, Feb. 2nd.

-
Nate Yahn
Legislative Advisor
Office of the Secretary
Wisconsin Department of Safety and Professional Services
Phone: (608) 267-9794

From: Yahn, Nathan - DSPS
Sent: Monday, February 05, 2018 1:40 PM
To: 'Borgerding, Chris' <Chris.Borgerding@legis.wisconsin.gov>; Delaporte, Bob - LEGIS <Bob.Delaporte@legis.wisconsin.gov>
Subject: DSPS Comments - AB 907/SB 767

Chris/Bob,

For your respective office's consideration, please see attached for some comments from DSPS regarding AB 907/SB 767, relating to continuing education in prescribing controlled substances.

I'll give you both a call later this afternoon to further follow up on this email.

Thank you.

Nate

Nate Yahn

Legislative Advisor

Office of the Secretary

Wisconsin Department of Safety and Professional Services

Phone: (608) 267-9794

Email: nathan.yahn@wisconsin.gov

www.dsps.wi.gov



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 907**

INSERTS

DUE TODAY

1
INS 1-1
2
INS-KD 1-2
3

At the locations indicated, amend the bill as follows:

1. Page 5, line 13: after "for" insert "graduate".

2. Page 14, line 14: delete that line and substitute "clinical social worker, marriage and family therapist, or professional counselor license granted under ch. 457, Stats., granted by DSPS.".

****NOTE: Under this change, the term "substance abuse counselor" in ch. DHS 75, Wis. Adm. Code, would include persons holding clinical social worker licenses, marriage and family therapist licenses, or professional counselor licenses, but not other certifications granted under ch. 457.

3. Page 14, line 21: delete "credential" and substitute "clinical social worker, marriage and family therapist, or professional counselor license granted".

4. Page 14, line 22: after "Stats." insert "and knowledgeable in addiction treatment.".

1 **5.** Page 17, line 9: delete "treatment staff" and substitute "treatment staff a
2 counselor".

INS-KP 2-2

3 INS 2-2

(END)

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1960/P3ins
MED:...*am*

1 INS 1-1

2 **1.** Page 2, line 2: after “counseling,” insert “providing an exemption from
3 emergency rule procedures;”.

4 END INS 1-1

5 INS 2-2

6 **2.** Page 35, line 17: after that line insert:

7 **“SECTION 65m. Nonstatutory provisions.**

8 (1m) The medical examining board may use the procedure under section 227.24
9 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
10 statutes that are necessary to implement this act. Notwithstanding section 227.24
11 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
12 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
13 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
14 the examining board is not required to provide evidence that promulgating a rule
15 under this subsection as an emergency rule is necessary for the preservation of the
16 public peace, health, safety, or welfare and is not required to provide a finding of
17 emergency for a rule promulgated under this subsection.

18 (2m) The board of nursing may use the procedure under section 227.24 of the
19 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are
20 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the
21 statutes, emergency rules promulgated under this subsection remain in effect until
22 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
23 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not

1 required to provide evidence that promulgating a rule under this subsection as an
2 emergency rule is necessary for the preservation of the public peace, health, safety,
3 or welfare and is not required to provide a finding of emergency for a rule
4 promulgated under this subsection.

5 (3m) The dentistry examining board may use the procedure under section
6 227.24 of the statutes to promulgate rules under section 447.02 (2) (k) of the statutes
7 that are necessary to implement this act. Notwithstanding section 227.24 (1) (c) and
8 (2) of the statutes, emergency rules promulgated under this subsection remain in
9 effect until May 1, 2019, or the date on which permanent rules take effect, whichever
10 is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
11 examining board is not required to provide evidence that promulgating a rule under
12 this subsection as an emergency rule is necessary for the preservation of the public
13 peace, health, safety, or welfare and is not required to provide a finding of emergency
14 for a rule promulgated under this subsection.

15 (4m) The podiatry affiliated credentialing board may use the procedure under
16 section 227.24 of the statutes to promulgate rules under section 448.665 (1) (b) of the
17 statutes that are necessary to implement this act. Notwithstanding section 227.24
18 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
19 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
20 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
21 the board is not required to provide evidence that promulgating a rule under this
22 subsection as an emergency rule is necessary for the preservation of the public peace,
23 health, safety, or welfare and is not required to provide a finding of emergency for a
24 rule promulgated under this subsection.

1 (5m) The optometry examining board may use the procedure under section
2 227.24 of the statutes to promulgate rules under section 449.06 (2m) (b) of the
3 statutes that are necessary to implement this act. Notwithstanding section 227.24
4 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
5 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
6 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
7 the examining board is not required to provide evidence that promulgating a rule
8 under this subsection as an emergency rule is necessary for the preservation of the
9 public peace, health, safety, or welfare and is not required to provide a finding of
10 emergency for a rule promulgated under this subsection.”.

11 **3.** Page 36, line 7: after that line insert:

12 “(1m) The treatment of sections 441.16 (3) (d), 447.02 (2) (k), 447.056 (1) (intro.),
13 448.07 (1) (d), 448.13 (1) (a) 3. and (4), 448.20 (3) (c), and 448.40 (2) (ck) and (cm) of
14 the statutes, the renumbering and amendment of sections 448.665 and 449.06 (2m)
15 of the statutes, and the creation of sections 448.665 (1) (b) and 449.06 (2m) (b) of the
16 statutes take effect on the first day of the 10th month beginning after publication.”.

17 END INS 2-2

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1960/P3insKP
KP...*amv*

1 INS-KP 1-2

2 **1.** Page 7, line 6: delete “department.” and substitute “department, marriage ^{the}
3 and family therapy, professional counseling, and social work examining board, ^{or}
4 other appropriate credentialing board.”

5 END INS-KP 1-2

6 INS-KP 2-2

7 **2.** Page 24, line 15: delete “2 years” and substitute “at least ^{one} 1 year”.

8 END INS-KP 2-2

9

Dodge, Tamara

From: Dodge, Tamara
Sent: Wednesday, February 07, 2018 3:55 PM
To: Borgerding, Chris
Subject: RE: amendment draft

It's that time of year. I'll get another preliminary to you shortly.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Borgerding, Chris
Sent: Wednesday, February 07, 2018 3:55 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Re: amendment draft

Preliminary please! It seems like every ten minutes something new comes up.

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On Wed, Feb 7, 2018 at 3:53 PM -0600, "Dodge, Tamara" <Tamara.Dodge@legis.wisconsin.gov> wrote:

Do you want an introducible version of that amendment or another preliminary?

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Borgerding, Chris
Sent: Wednesday, February 07, 2018 3:53 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Re: amendment draft

Much appreciated.

Get [Outlook for iOS](#)

On Wed, Feb 7, 2018 at 3:48 PM -0600, "Dodge, Tamara" <Tamara.Dodge@legis.wisconsin.gov> wrote:

Yes, will do.

Tamara J. Dodge

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Borgerding, Chris

Sent: Wednesday, February 07, 2018 3:43 PM

To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>

Subject: Re: amendment draft

Tami can we have the amendment you just sent me added to the draft amendment LRB a1960/P3? Thank you
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On Wed, Feb 7, 2018 at 2:43 PM -0600, "Borgerding, Chris" <Chris.Borgerding@legis.wisconsin.gov> wrote:

Yes please!

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On Wed, Feb 7, 2018 at 2:42 PM -0600, "Dodge, Tamara" <Tamara.Dodge@legis.wisconsin.gov> wrote:

Chris,

If I'm understanding correctly, I'm removing page 5, line 20 to page 6, line 2 of AB 907 (direct removal of prior authorization) and replacing that with a mandate for DHS to review prior authorization of buprenorphine and report to the health committee every 6 months until DHS removes the prior authorization requirement on buprenorphine on populations where appropriate.

Tami

Tamara J. Dodge

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Borgerding, Chris

Sent: Wednesday, February 07, 2018 2:32 PM

To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>

Subject: Re: amendment draft

Hi Tami, just checking to see if this amendment makes sense. We will need to introduce it for tomorrow. Thank you!

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On Wed, Feb 7, 2018 at 12:26 PM -0600, "Borgerding, Chris" <Chris.Borgerding@legis.wisconsin.gov> wrote:

Hi Tami,

My apologies, we have been in negotiations with DHS all morning regarding this provision. We would like to amend the bill to remove the language regarding prior authorization, but require DHS to report to the health committee on their progress towards eliminating PA for buprenorphine every six months following enactment until it is done. If we could have some language in there pertaining to DHS doing a review of prior authorization of buprenorphine, that would be great.

Thank you,

Chris

From: Dodge, Tamara

Sent: Wednesday, February 07, 2018 9:55 AM

To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>

Subject: RE: amendment draft

Chris,

I think I will be drafting this amendment. I'll get to it in a bit and I'll let you know if I have any questions.

Tami

Tamara J. Dodge

Senior Legislative Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 267 - 7380

tamara.dodge@legis.wisconsin.gov

From: Borgerding, Chris

Sent: Wednesday, February 07, 2018 9:29 AM

To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Dodge, Tamara

<Tamara.Dodge@legis.wisconsin.gov>

Subject: Re: amendment draft

Tami and Mike, John would actually like to NOT include the sunset portion. But include everything else.

Thank you.

Get Outlook for iOS

On Wed, Feb 7, 2018 at 7:58 AM -0600, "Borgerding, Chris" <Chris.Borgerding@legis.wisconsin.gov> wrote:

Mike and Tami, we would like to draft an amendment to be included in the larger amendment for AB90. The amendment is regarding the prior-authorization of buprenorphine. Here is what I have in mind:

Removing the "or other limitation on prescribing and dispensing" and then keeping the language that ensures the PA is removed. That keeps the language limited to the PA and removes the breadth of the provision, while retaining accountability.

We would like to have a removal that is sunset. Given the public health emergency caused by the opioid crisis, swift removal of the PA is important, but sun setting it for 2 years, at which point DHS could be tasked with reviewing the appropriateness of the PA.

Buprenorphine combination products are preferred in Wisconsin's Medicaid program, so language could be added to limit the provision in that respect too.

If we could have this turned around pretty quickly that would be most appreciated!

Thanks so much!

Chris

Chris Borgerding

Office of State Representative John Nygren

Co-Chair, Joint Committee on Finance

89th Assembly District

309 East, State Capitol

608.266.2343



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1960/P3
KP/ARG/MED:amn
P4
JED

In: 217 Now

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 907**

Insert
1-5

1
2
3
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9
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12

At the locations indicated, amend the bill as follows:

1. Page 2, line 2: after “counseling;” insert “providing an exemption from emergency rule procedures;”.
2. Page 5, line 13: after “for” insert “graduate”.
3. Page 7, line 6: delete “department.” and substitute “department; the marriage and family therapy, professional counseling, and social work examining board; or other appropriate credentialing board.”.
4. Page 14, line 14: delete that line and substitute “clinical social worker, marriage and family therapist, or professional counselor license granted under ch. 457, Stats., granted by DSPS.”.
5. Page 14, line 21: delete “credential” and substitute “clinical social worker, marriage and family therapist, or professional counselor license granted”.

1 **6.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
2 treatment.”.

3 **7.** Page 17, line 9: delete “treatment staff” and substitute “treatment staff a
4 counselor”.

5 **8.** Page 24, line 15: delete “2 years” and substitute “at least one year”.

6 **9.** Page 35, line 17: after that line insert:

7 **“SECTION 65m. Nonstatutory provisions.**

8 (1m) The medical examining board may use the procedure under section 227.24
9 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
10 statutes that are necessary to implement this act. Notwithstanding section 227.24
11 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
12 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
13 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
14 the examining board is not required to provide evidence that promulgating a rule
15 under this subsection as an emergency rule is necessary for the preservation of the
16 public peace, health, safety, or welfare and is not required to provide a finding of
17 emergency for a rule promulgated under this subsection.

18 (2m) The board of nursing may use the procedure under section 227.24 of the
19 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are
20 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the
21 statutes, emergency rules promulgated under this subsection remain in effect until
22 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
23 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not
24 required to provide evidence that promulgating a rule under this subsection as an

1 **6.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
2 treatment.”.

3 **7.** Page 17, line 9: delete “treatment staff” and substitute “treatment staff a
4 counselor”.

5 **8.** Page 24, line 15: delete “2 years” and substitute “ at least one year”.

6 **9.** Page 35, line 17: after that line insert:

7 **“SECTION 65m. Nonstatutory provisions.**

8 (1m) The medical examining board may use the procedure under section 227.24
9 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
10 statutes that are necessary to implement this act. Notwithstanding section 227.24
11 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
12 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
13 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
14 the examining board is not required to provide evidence that promulgating a rule
15 under this subsection as an emergency rule is necessary for the preservation of the
16 public peace, health, safety, or welfare and is not required to provide a finding of
17 emergency for a rule promulgated under this subsection.

18 (2m) The board of nursing may use the procedure under section 227.24 of the
19 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are
20 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the
21 statutes, emergency rules promulgated under this subsection remain in effect until
22 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
23 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not
24 required to provide evidence that promulgating a rule under this subsection as an

1 emergency rule is necessary for the preservation of the public peace, health, safety,
2 or welfare and is not required to provide a finding of emergency for a rule
3 promulgated under this subsection.

4 (3m) The dentistry examining board may use the procedure under section
5 227.24 of the statutes to promulgate rules under section 447.02 (2) (k) of the statutes
6 that are necessary to implement this act. Notwithstanding section 227.24 (1) (c) and
7 (2) of the statutes, emergency rules promulgated under this subsection remain in
8 effect until May 1, 2019, or the date on which permanent rules take effect, whichever
9 is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
10 examining board is not required to provide evidence that promulgating a rule under
11 this subsection as an emergency rule is necessary for the preservation of the public
12 peace, health, safety, or welfare and is not required to provide a finding of emergency
13 for a rule promulgated under this subsection.

14 (4m) The podiatry affiliated credentialing board may use the procedure under
15 section 227.24 of the statutes to promulgate rules under section 448.665 (1) (b) of the
16 statutes that are necessary to implement this act. Notwithstanding section 227.24
17 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
18 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
19 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
20 the board is not required to provide evidence that promulgating a rule under this
21 subsection as an emergency rule is necessary for the preservation of the public peace,
22 health, safety, or welfare and is not required to provide a finding of emergency for a
23 rule promulgated under this subsection.

24 (5m) The optometry examining board may use the procedure under section
25 227.24 of the statutes to promulgate rules under section 449.06 (2m) (b) of the

1 statutes that are necessary to implement this act. Notwithstanding section 227.24
2 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
3 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
4 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
5 the examining board is not required to provide evidence that promulgating a rule
6 under this subsection as an emergency rule is necessary for the preservation of the
7 public peace, health, safety, or welfare and is not required to provide a finding of
8 emergency for a rule promulgated under this subsection.”.

9 **10.** Page 36, line 7: after that line insert:

10 “(1m) The treatment of sections 441.16 (3) (d), 447.02 (2) (k), 447.056 (1) (intro.),
11 448.07 (1) (d), 448.13 (1) (a) 3. and (4), 448.20 (3) (c), and 448.40 (2) (ck) and (cm) of
12 the statutes, the renumbering and amendment of sections 448.665 and 449.06 (2m)
13 of the statutes, and the creation of sections 448.665 (1) (b) and 449.06 (2m) (b) of the
14 statutes take effect on the first day of the 10th month beginning after publication.”.

15 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

Insert

LRBa2025/1
TJD:klm

~~ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 907~~

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

Insert
1-5

2 **1.** Page 5, line 21: delete the material beginning with that line and ending with
3 page 6, line 2 and substitute:

4 “49.45 (29z) BUPRENORPHINE PRIOR AUTHORIZATION REVIEW. The department
5 shall review its prior authorization policy on buprenorphine-containing products
6 provided to Medical Assistance program recipients. On the first day of the 7th month
7 beginning after the effective date of this subsection ... [LRB inserts date], and every
8 6 months thereafter, the department shall submit to the standing committees of the
9 legislature with jurisdiction over health under s. 13.172 (3) a report describing the
10 department’s findings on the prior authorization policy on
11 buprenorphine-containing products and its progress on eliminating prior
12 authorization requirements for buprenorphine-containing products in populations
13 where removal of prior authorization is appropriate. The department is not required

1 to submit the report under this subsection after the date the prior authorization
2 requirement for use of buprenorphine-containing products by Medical Assistance
3 program recipients is eliminated for all appropriate populations.”.

4

(END) Insert 1-5

Paczuski, Konrad

From: Borgerding, Chris

Sent: Wednesday, February 07, 2018 9:17 PM

To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>

Cc: Bentzen, Alexandra <Alexandra.Bentzen@legis.wisconsin.gov>; Morgan, Charlie <Charlie.Morgan@legis.wisconsin.gov>

Subject: Substance abuse counselor bill changes RUSH please

Good evening Konrad, we need an amendment drafted ASAP for the Feb 8 executive session in JFC. I really apologize for such late notice, this is a late development from JFC. This will be included in the current LRBa1960/P4.

Page 13 line 7-8 not repealed amended to remove licensed.

Page 13 line 20-21 "individuals LICENSED under 457.

Page 20 line 16-17 remove "except as provided under sub 2"

Page 22 line 1-5 removed entirely

Page 22 line 6 remove "except as provided under sub 2"

Page 23 line 14-18 gone entirely

Page 30 line 18 remove credential add "a license"

Page 32 line 13, licensed.

In the following lines replace credentialed/credential with licensed/license:

page 14 line 21

page 22 line 2,4

page 23 line 15,17

page 24 line 1,5,14,17

thank you very much!

Chris

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State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1960/P4
KP/ARG/MED/TJD:amn&klm

deps
all

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 907**

INSERT

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

2 **1.** Page 2, line 2: after “counseling;” insert “providing an exemption from
3 emergency rule procedures;”.

4 **2.** Page 5, line 13: after “for” insert “graduate”.

5 **3.** Page 5, line 21: delete the material beginning with that line and ending with
6 page 6, line 2 and substitute:

7 “49.45 (29z) BUPRENORPHINE PRIOR AUTHORIZATION REVIEW. The department
8 shall review its prior authorization policy on buprenorphine-containing products
9 provided to Medical Assistance program recipients. On the first day of the 7th month
10 beginning after the effective date of this subsection [LRB inserts date], and every
11 6 months thereafter, the department shall submit to the standing committees of the
12 legislature with jurisdiction over health under s. 13.172 (3) a report describing the

1 department's findings on the prior authorization policy on
2 buprenorphine-containing products and its progress on eliminating prior
3 authorization requirements for buprenorphine-containing products in populations
4 where removal of prior authorization is appropriate. The department is not required
5 to submit the report under this subsection after the date the prior authorization
6 requirement for use of buprenorphine-containing products by Medical Assistance
7 program recipients is eliminated for all appropriate populations.”.

8 **4.** Page 7, line 6: delete “department.” and substitute “department; the
9 marriage and family therapy, professional counseling, and social work examining
10 board; or other appropriate credentialing board.”.

11 *INS 2-10 1* **5.** Page 14, line 14: delete that line and substitute “clinical social worker,
12 marriage and family therapist, or professional counselor license granted under ch.
13 457, Stats., ~~granted by~~ DSPS.”.

14 **6.** Page 14, line 21: delete “credential” and substitute “clinical social worker,
15 marriage and family therapist, or professional counselor license granted”.

16 **7.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
17 treatment.”.

18 **8.** Page 17, line 9: delete “treatment staff” and substitute “treatment staff a
19 counselor”.

20 *INS 2-19 1* **9.** Page 24, line 15: delete “2 years” and substitute “at least one year”.

21 *INS 2-20 1* **10.** Page 35, line 17: after that line insert:

22 **“SECTION 65m. Nonstatutory provisions.**

1 (1m) The medical examining board may use the procedure under section 227.24
2 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
3 statutes that are necessary to implement this act. Notwithstanding section 227.24
4 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
5 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
6 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
7 the examining board is not required to provide evidence that promulgating a rule
8 under this subsection as an emergency rule is necessary for the preservation of the
9 public peace, health, safety, or welfare and is not required to provide a finding of
10 emergency for a rule promulgated under this subsection.

11 (2m) The board of nursing may use the procedure under section 227.24 of the
12 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are
13 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the
14 statutes, emergency rules promulgated under this subsection remain in effect until
15 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
16 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not
17 required to provide evidence that promulgating a rule under this subsection as an
18 emergency rule is necessary for the preservation of the public peace, health, safety,
19 or welfare and is not required to provide a finding of emergency for a rule
20 promulgated under this subsection.

21 (3m) The dentistry examining board may use the procedure under section
22 227.24 of the statutes to promulgate rules under section 447.02 (2) (k) of the statutes
23 that are necessary to implement this act. Notwithstanding section 227.24 (1) (c) and
24 (2) of the statutes, emergency rules promulgated under this subsection remain in
25 effect until May 1, 2019, or the date on which permanent rules take effect, whichever

1 is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
2 examining board is not required to provide evidence that promulgating a rule under
3 this subsection as an emergency rule is necessary for the preservation of the public
4 peace, health, safety, or welfare and is not required to provide a finding of emergency
5 for a rule promulgated under this subsection.

6 (4m) The podiatry affiliated credentialing board may use the procedure under
7 section 227.24 of the statutes to promulgate rules under section 448.665 (1) (b) of the
8 statutes that are necessary to implement this act. Notwithstanding section 227.24
9 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
10 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
11 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
12 the board is not required to provide evidence that promulgating a rule under this
13 subsection as an emergency rule is necessary for the preservation of the public peace,
14 health, safety, or welfare and is not required to provide a finding of emergency for a
15 rule promulgated under this subsection.

16 (5m) The optometry examining board may use the procedure under section
17 227.24 of the statutes to promulgate rules under section 449.06 (2m) (b) of the
18 statutes that are necessary to implement this act. Notwithstanding section 227.24
19 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
20 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
21 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
22 the examining board is not required to provide evidence that promulgating a rule
23 under this subsection as an emergency rule is necessary for the preservation of the
24 public peace, health, safety, or welfare and is not required to provide a finding of
25 emergency for a rule promulgated under this subsection.”.

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1960/P4ins
KP:...

SAV

1 INS 2-10

2 [✓]1. Page 13, line 7: delete lines 7 to 15 and substitute:

3 [✓]“SECTION 27m. 457.02 (5) of the statutes is amended to read:

4 457.02 (5) Authorize any individual who is certified ~~or licensed~~ under this
5 chapter s. 457.08 (1), (2), [✓]or (3), 457.09 (1), [✓]or 457.14 (1) (a) [✓]to (c) to use the title
6 “alcohol and drug counselor” or “chemical dependency counselor” unless the
7 individual is certified as an alcohol and drug counselor or as a chemical dependency
8 counselor through a process recognized by the department.

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25, 254, 407; 2007 a. 20 s. 9121 (6) (a); 2009 a. 180.

9 [✓]SECTION 28m. 457.02 (5m) of the statutes is amended to read:

10 457.02 (5m) Authorize any individual who is certified ~~or licensed~~ under this
11 chapter s. 457.08 (1), (2), [✓]or (3), 457.09 (1), [✓]or 457.14 (1) (a) [✓]to (c) to treat alcohol or
12 substance dependency or abuse as a specialty unless the individual is a certified
13 substance abuse counselor, clinical supervisor, or prevention specialist under s.
14 440.88, or unless the individual satisfies educational and supervised training
15 requirements established in rules promulgated by the examining board. In
16 promulgating rules under this subsection, the examining board shall consider the
17 requirements for qualifying as a certified substance abuse counselor, clinical
18 supervisor, or prevention specialist under s. 440.88.

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25, 254, 407; 2007 a. 20 s. 9121 (6) (a); 2009 a. 180.

19 [✓]SECTION 29m. 961.385 (2) (cm) 1. (intro.) of the statutes, as created by [✓]2015
20 Wisconsin Act 266, is amended to read:

21 961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse
22 licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b),

1 or an individual authorized under s. 457.02 (5m) to treat licensed under s. 457.08 (4),
2 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance
3 dependency or abuse as a specialty, if any of the following is applicable.”.

History: 2009 a. 362; 2011 a. 260 s. 81; 2013 a. 3, 20, 124, 199; 2015 a. 55 ss. 4477, 4737f to 4731k; Stats. 2015 s. 961.385; 2015 a. 195, 266, 267, 268; 2017 a. 59.

Cross-reference: See also ch. CSB 4, Wis. adm. code.

4 END INS 2-10

5 INS 2-19

6 ✓2. Page 20, line 16: delete the material beginning with “(1) Except” and ending
7 with “an” on line 17 and substitute “An”.

INS
ED1

8 ✓3. Page 22, line 1: delete lines 1 to 5.

9 ✓4. Page 22, line 6: delete the material beginning with “(1) Except” and ending
10 with “an” on line 7 and substitute “An”.

INS
ED2

11 ✓5. Page 23, line 14: delete lines 14 to 18.

12 ✓6. Page 24, line 2: delete “under ch. 457,” and substitute “licensed under s.
13 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f).”.

14 ✓7. Page 24, line 5: delete “credential under ch. 457,” and substitute “license
15 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f).”.

16 ✓8. Page 24, line 14: delete “credential under ch. 457,” and substitute “license
17 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f).”.

18 END INS 2-19

19 INS 2-20

20 ✓9. Page 24, line 17: delete the material beginning with “credential” and ending
21 with “ch. 457,” on line 18 and substitute “license under s. 457.08 (4), 457.10, 457.11,
22 457.12, 457.13, or 457.14 (1) (d) to (f).”.

1 ✓**10.** Page 30, line 18: delete that line and substitute:

2 “c. A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1)
3 (d) to (f), Stats.”.

4 ✓**11.** Page 32, line 13: delete the material beginning with “credential” and
5 ending with “457,” on line 14 and substitute “license granted under s. 457.08 (4),
6 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.

7 END INS 2-20

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1960/P4insED
KP/ARG/MED/TJD:amn&klm

- 1 **1.** Page 20, line 19: delete “(a)” and substitute “**(1)**”.
- 2 **2.** Page 20, line 20: delete “(b)” and substitute “**(2)**”.
- 3 **3.** Page 20, line 21: delete “(c)” and substitute “**(3)**”.
- 4 **4.** Page 21, line 1: delete “(d)” and substitute “**(4)**”.
- 5 **5.** Page 21, line 4: delete “1.” and substitute “(a)”.
- 6 **6.** Page 21, line 5: delete “2.” and substitute “(b)”.
- 7 **7.** Page 21, line 6: delete “3.” and substitute “(c)”.
- 8 **8.** Page 21, line 7: delete “4.” and substitute “(d)”.
- 9 **9.** Page 21, line 8: delete “5.” and substitute “(e)”.
- 10 **10.** Page 21, line 9: delete “6.” and substitute “(f)”.
- 11 **11.** Page 21, line 10: delete “7.” and substitute “(g)”.
- 12 **12.** Page 21, line 10: delete “subds. 1. to 6.” and substitute “pars. (a) to (f)”.
- 13 **13.** Page 21, line 11: delete “(e)” and substitute “**(5)**”.
- 14 **14.** Page 21, line 13: delete “(f)” and substitute “**(6)**”.
- 15 **15.** Page 21, line 17: delete “1.” and substitute “(a)”.
- 16 **16.** Page 21, line 19: delete “2.” and substitute “(b)”.
- 17 **17.** Page 21, line 22: delete “(g)” and substitute “**(7)**”.
- 18 **18.** Page 22, line 9: delete “(a)” and substitute “**(1)**”.
- 19 **19.** Page 22, line 10: delete “(b)” and substitute “**(2)**”.
- 20 **20.** Page 22, line 11: delete “(c)” and substitute “**(3)**”.

INSEED 1
INSEED 2

- 1 **21.** Page 22, line 14: delete “(d)” and substitute “(4)”.
- 2 **22.** Page 22, line 15: delete “1.” and substitute “(a)”.
- 3 **23.** Page 22, line 16: delete “2.” and substitute “(b)”.
- 4 **24.** Page 22, line 19: delete “a.” and substitute “1.”.
- 5 **25.** Page 22, line 20: delete “b.” and substitute “2.”.
- 6 **26.** Page 22, line 21: delete “c.” and substitute “3.”.
- 7 **27.** Page 22, line 22: delete “d.” and substitute “4.”.
- 8 **28.** Page 22, line 23: delete “e.” and substitute “5.”.
- 9 **29.** Page 22, line 24: delete “f.” and substitute “6.”.
- 10 **30.** Page 22, line 25: delete “g.” and substitute “7.”.
- 11 **31.** Page 22, line 25: delete “subds. 2. a. to f.” and substitute “subds. 1. to 6.”.
- 12 **32.** Page 23, line 1: delete “(e)” and substitute “(5)”.
- 13 **33.** Page 23, line 3: delete “(f)” and substitute “(6)”.
- 14 **34.** Page 23, line 5: delete “(g)” and substitute “(7)”.
- 15 **35.** Page 23, line 10: delete “(h)” and substitute “(8)”.

Dodge, Tamara

From: Borgerding, Chris
Sent: Thursday, February 08, 2018 11:09 AM
To: Dodge, Tamara
Cc: Keith, Rachel
Subject: Re: Draft review: LRB a1960/P5

Hi Tami, looks good thank you! Please do an introducible and a companion. IF you could provide this to LFB I'd appreciate that.

Thank you!

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From: Dodge, Tamara <tamara.dodge@legis.wisconsin.gov>
Sent: Thursday, February 8, 2018 10:47
Subject: FW: Draft review: LRB a1960/P5
To: Borgerding, Chris <chris.borgerding@legis.wisconsin.gov>
Cc: Keith, Rachel <rachel.keith@legis.wisconsin.gov>

Chris,

Attached is the amendment to AB 907. I apologize for the delay. Let me know when you want an introducible and I will do a companion.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: LRB.Legal
Sent: Thursday, February 08, 2018 10:45 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Draft review: LRB a1960/P5

Draft Requester: Rep. John Nygren

Following is the PDF version of draft LRB a1960/P5.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1960/P5
KP/ARG/MED/TJD:all

Now

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 907

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

2 **1.** Page 2, line 2: after “counseling;” insert “providing an exemption from
3 emergency rule procedures;”.

4 **2.** Page 5, line 13: after “for” insert “graduate”.

5 **3.** Page 5, line 21: delete the material beginning with that line and ending with
6 page 6, line 2 and substitute:

7 “49.45 (29z) BUPRENORPHINE PRIOR AUTHORIZATION REVIEW. The department
8 shall review its prior authorization policy on buprenorphine-containing products
9 provided to Medical Assistance program recipients. On the first day of the 7th month
10 beginning after the effective date of this subsection [LRB inserts date], and every
11 6 months thereafter, the department shall submit to the standing committees of the
12 legislature with jurisdiction over health under s. 13.172 (3) a report describing the

1 department's findings on the prior authorization policy on
2 buprenorphine-containing products and its progress on eliminating prior
3 authorization requirements for buprenorphine-containing products in populations
4 where removal of prior authorization is appropriate. The department is not required
5 to submit the report under this subsection after the date the prior authorization
6 requirement for use of buprenorphine-containing products by Medical Assistance
7 program recipients is eliminated for all appropriate populations.”.

8 **4.** Page 7, line 6: delete “department.” and substitute “department; the
9 marriage and family therapy, professional counseling, and social work examining
10 board; or other appropriate credentialing board.”.

11 **5.** Page 13, line 7: delete lines 7 to 15 and substitute:

12 **“SECTION 27m.** 457.02 (5) of the statutes is amended to read:

13 457.02 (5) Authorize any individual who is certified ~~or licensed~~ under this
14 chapter s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to use the title
15 “alcohol and drug counselor” or “chemical dependency counselor” unless the
16 individual is certified as an alcohol and drug counselor or as a chemical dependency
17 counselor through a process recognized by the department.

18 **SECTION 28m.** 457.02 (5m) of the statutes is amended to read:

19 457.02 (5m) Authorize any individual who is certified ~~or licensed~~ under this
20 chapter s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to treat alcohol or
21 substance dependency or abuse as a specialty unless the individual is a certified
22 substance abuse counselor, clinical supervisor, or prevention specialist under s.
23 440.88, or unless the individual satisfies educational and supervised training
24 requirements established in rules promulgated by the examining board. In

1 promulgating rules under this subsection, the examining board shall consider the
2 requirements for qualifying as a certified substance abuse counselor, clinical
3 supervisor, or prevention specialist under s. 440.88.

4 **SECTION 29m.** 961.385 (2) (cm) 1. (intro.) of the statutes, as created by 2015
5 Wisconsin Act 266, is amended to read:

6 961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse
7 licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b),
8 or an individual authorized under s. 457.02 (5m) to treat licensed under s. 457.08 (4),
9 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance
10 dependency or abuse as a specialty, if any of the following is applicable:”

11 **6.** Page 14, line 14: delete that line and substitute “clinical social worker,
12 marriage and family therapist, or professional counselor license granted under ch.
13 457, Stats., ~~granted by DSPS.~~”

14 **7.** Page 14, line 21: delete “credential” and substitute “clinical social worker,
15 marriage and family therapist, or professional counselor license granted”.

16 **8.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
17 treatment.”

18 **9.** Page 17, line 9: delete “treatment staff” and substitute “treatment staff a
19 counselor”.

20 **10.** Page 20, line 16: delete the material beginning with “(1) Except” and
21 ending with “an” on line 17 and substitute “An”.

22 **11.** Page 20, line 19: delete “(a)” and substitute “(1)”.

23 **12.** Page 20, line 20: delete “(b)” and substitute “(2)”.

- 1 **13.** Page 20, line 21: delete “(c)” and substitute “**(3)**”.
- 2 **14.** Page 21, line 1: delete “(d)” and substitute “**(4)**”.
- 3 **15.** Page 21, line 4: delete “1.” and substitute “(a)”.
- 4 **16.** Page 21, line 5: delete “2.” and substitute “(b)”.
- 5 **17.** Page 21, line 6: delete “3.” and substitute “(c)”.
- 6 **18.** Page 21, line 7: delete “4.” and substitute “(d)”.
- 7 **19.** Page 21, line 8: delete “5.” and substitute “(e)”.
- 8 **20.** Page 21, line 9: delete “6.” and substitute “(f)”.
- 9 **21.** Page 21, line 10: delete “7.” and substitute “(g)”.
- 10 **22.** Page 21, line 10: delete “subds. 1. to 6.” and substitute “pars. (a) to (f)”.
- 11 **23.** Page 21, line 11: delete “(e)” and substitute “**(5)**”.
- 12 **24.** Page 21, line 13: delete “(f)” and substitute “**(6)**”.
- 13 **25.** Page 21, line 17: delete “1.” and substitute “(a)”.
- 14 **26.** Page 21, line 19: delete “2.” and substitute “(b)”.
- 15 **27.** Page 21, line 22: delete “(g)” and substitute “**(7)**”.
- 16 **28.** Page 22, line 1: delete lines 1 to 5.
- 17 **29.** Page 22, line 6: delete the material beginning with “**(1) Except**” and
18 ending with “an” on line 7 and substitute “An”.
- 19 **30.** Page 22, line 9: delete “(a)” and substitute “**(1)**”.
- 20 **31.** Page 22, line 10: delete “(b)” and substitute “**(2)**”.
- 21 **32.** Page 22, line 11: delete “(c)” and substitute “**(3)**”.

- 1 **33.** Page 22, line 14: delete “(d)” and substitute “(4)”.
- 2 **34.** Page 22, line 15: delete “1.” and substitute “(a)”.
- 3 **35.** Page 22, line 16: delete “2.” and substitute “(b)”.
- 4 **36.** Page 22, line 19: delete “a.” and substitute “1.”.
- 5 **37.** Page 22, line 20: delete “b.” and substitute “2.”.
- 6 **38.** Page 22, line 21: delete “c.” and substitute “3.”.
- 7 **39.** Page 22, line 22: delete “d.” and substitute “4.”.
- 8 **40.** Page 22, line 23: delete “e.” and substitute “5.”.
- 9 **41.** Page 22, line 24: delete “f.” and substitute “6.”.
- 10 **42.** Page 22, line 25: delete “g.” and substitute “7.”.
- 11 **43.** Page 22, line 25: delete “subds. 2. a. to f.” and substitute “subds. 1. to 6.”.
- 12 **44.** Page 23, line 1: delete “(e)” and substitute “(5)”.
- 13 **45.** Page 23, line 3: delete “(f)” and substitute “(6)”.
- 14 **46.** Page 23, line 5: delete “(g)” and substitute “(7)”.
- 15 **47.** Page 23, line 10: delete “(h)” and substitute “(8)”.
- 16 **48.** Page 23, line 14: delete lines 14 to 18.
- 17 **49.** Page 24, line 2: delete “under ch. 457,” and substitute “licensed under s.
- 18 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f)”.
- 19 **50.** Page 24, line 5: delete “credential under ch. 457,” and substitute “license
- 20 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f)”.
- 21 **51.** Page 24, line 14: delete “credential under ch. 457,” and substitute “license
- 22 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f)”.

1 **52.** Page 24, line 15: delete “2 years” and substitute “at least one year”.

2 **53.** Page 24, line 17: delete the material beginning with “credential” and
3 ending with “ch. 457,” on line 18 and substitute “license under s. 457.08 (4), 457.10,
4 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.

5 **54.** Page 30, line 18: delete that line and substitute:

6 “c. A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1)
7 (d) to (f), Stats.”.

8 **55.** Page 32, line 13: delete the material beginning with “credential” and
9 ending with “457,” on line 14 and substitute “license granted under s. 457.08 (4),
10 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.

11 **56.** Page 35, line 17: after that line insert:

12 **“SECTION 65m. Nonstatutory provisions.**

13 (1m) The medical examining board may use the procedure under section 227.24
14 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
15 statutes that are necessary to implement this act. Notwithstanding section 227.24
16 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
17 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
18 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
19 the examining board is not required to provide evidence that promulgating a rule
20 under this subsection as an emergency rule is necessary for the preservation of the
21 public peace, health, safety, or welfare and is not required to provide a finding of
22 emergency for a rule promulgated under this subsection.

23 (2m) The board of nursing may use the procedure under section 227.24 of the
24 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are

1 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the
2 statutes, emergency rules promulgated under this subsection remain in effect until
3 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
4 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not
5 required to provide evidence that promulgating a rule under this subsection as an
6 emergency rule is necessary for the preservation of the public peace, health, safety,
7 or welfare and is not required to provide a finding of emergency for a rule
8 promulgated under this subsection.

9 (3m) The dentistry examining board may use the procedure under section
10 227.24 of the statutes to promulgate rules under section 447.02 (2) (k) of the statutes
11 that are necessary to implement this act. Notwithstanding section 227.24 (1) (c) and
12 (2) of the statutes, emergency rules promulgated under this subsection remain in
13 effect until May 1, 2019, or the date on which permanent rules take effect, whichever
14 is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
15 examining board is not required to provide evidence that promulgating a rule under
16 this subsection as an emergency rule is necessary for the preservation of the public
17 peace, health, safety, or welfare and is not required to provide a finding of emergency
18 for a rule promulgated under this subsection.

19 (4m) The podiatry affiliated credentialing board may use the procedure under
20 section 227.24 of the statutes to promulgate rules under section 448.665 (1) (b) of the
21 statutes that are necessary to implement this act. Notwithstanding section 227.24
22 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
23 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
24 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
25 the board is not required to provide evidence that promulgating a rule under this

1 subsection as an emergency rule is necessary for the preservation of the public peace,
2 health, safety, or welfare and is not required to provide a finding of emergency for a
3 rule promulgated under this subsection.

4 (5m) The optometry examining board may use the procedure under section
5 227.24 of the statutes to promulgate rules under section 449.06 (2m) (b) of the
6 statutes that are necessary to implement this act. Notwithstanding section 227.24
7 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
8 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
9 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
10 the examining board is not required to provide evidence that promulgating a rule
11 under this subsection as an emergency rule is necessary for the preservation of the
12 public peace, health, safety, or welfare and is not required to provide a finding of
13 emergency for a rule promulgated under this subsection.”.

14 **57.** Page 36, line 7: after that line insert:

15 “(1m) The treatment of sections 441.16 (3) (d), 447.02 (2) (k), 447.056 (1) (intro.),
16 448.07 (1) (d), 448.13 (1) (a) 3. and (4), 448.20 (3) (c), and 448.40 (2) (ck) and (cm) of
17 the statutes, the renumbering and amendment of sections 448.665 and 449.06 (2m)
18 of the statutes, and the creation of sections 448.665 (1) (b) and 449.06 (2m) (b) of the
19 statutes take effect on the first day of the 10th month beginning after publication.”.

20 (END)