



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 262**  
[2017 Assembly Bill 907]

**Various Changes Related to  
Substance Abuse**

### SUBSTANCE ABUSE COUNSELING

Wisconsin Act 262 makes a number of changes to substance abuse counseling statutes and administrative rules, including the following:

- Provides that a person certified by the Marriage and Family Therapy, Professional Counseling, and Social Work (MPSW) Examining Board as a social worker, advance practice social worker, independent social worker, social worker in training, or temporary social worker, is not authorized to use the title “alcohol and drug counselor” or “chemical dependency counselor” or treat alcohol or substance dependency or abuse as a specialty unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the Department of Safety and Professional Services (DSPS). Additionally, all of the aforementioned types of social workers are also prohibited from treating alcohol or substance dependency or abuse as a specialty unless the individual receives certain additional certification.
- 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.
- Modifies the definition of “clinical supervision” to specify that supervision takes place in intermittent in-person contact between a clinical supervisor and counselor, rather than between a clinical supervisor and treatment staff.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

- Specifies that a clinical social worker, marriage and family therapist, or professional counselor who provides clinical supervision must be knowledgeable in addiction treatment.
- 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.
- Adds various actions to the scope of unprofessional conduct for which DSPS may discipline a substance abuse counselor or other related professional.
- 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.
- 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.

## OTHER CHANGES

The Act also makes a number of modifications to other statutes and administrative rules relating to substance abuse, including the following:

- With respect to the ability of an advanced practice nurse prescriber or physician assistant to obtain and practice under a waiver from the Drug Enforcement Administration for purposes of dispensing narcotic drugs to individuals for addiction treatment, allows a physician who satisfies any of the criteria specified in federal law to be eligible to obtain a waiver to serve as a qualifying physician for purposes of the collaboration or supervision requirement under federal law, regardless of whether the physician himself or herself holds a waiver.
- Requires the Department of Health Services (DHS) to review its prior authorization policy on buprenorphine-containing products provided to Medical Assistance (MA) recipients. On the first day of the seventh month beginning after the Act's general effective date, and every six months thereafter, the Act requires DHS to submit a report describing its findings on the prior authorization policy on buprenorphine-containing products in populations where removal of prior authorization is appropriate, to the standing committees of the Legislature with jurisdiction over health. DHS is not required to submit the report after the date the prior authorization requirement for use of buprenorphine-containing products by MA program recipients is eliminated for all appropriate populations.
- Requires each school board to incorporate drug abuse awareness and prevention in its health instructional program.
- Requires the DSPS secretary to appoint a behavioral health review committee to advise DSPS regarding behavioral health. The committee is required to conduct a

semiannual review of the requirements for obtaining credentials to become a substance abuse counselor, substance abuse counselor-in-training, clinical substance abuse counselor, clinical supervisor-in-training, intermediate clinical supervisor, independent clinical supervisor, prevention specialist, prevention specialist-in-training, marriage and family therapist, professional counselor, social worker, advanced practice social worker, independent social worker, or clinical social worker, as well as any other credentials related to behavioral health. The behavioral health review committee is authorized to propose changes in statutes and rules to the MPSW, or other appropriate credentialing board, in addition to DSPS.

- Provides \$50,000 of funding to the Department of Children and Families to develop and maintain online training resources for social services workers who deal with substance abuse-related cases.
- Creates an appropriation under the University of Wisconsin (UW) System with \$250,000 general purpose revenue of annual funding, beginning in 2018-19, for graduate psychiatric nursing education. The Act requires the Board of Regents, in consultation with the Chancellor of the UW-Madison, to do all of the following with respect to the graduate program in psychiatric mental health nursing at UW-Madison:
  - Increase the number of students provided the opportunity to study to be board-eligible psychiatric mental health nurse practitioners;
  - Expand the instructional capacity available to teach psychiatric mental health nursing; and
  - Annually provide fellowships for psychiatric nursing students to participate in clinical rotations in rural communities or areas with shortages of mental health professionals in the state. The Act specifies that in order to receive a fellowship, a student must commit to passing applicable board certification and to practicing in Wisconsin for at least two years after graduation from the program.
- Clarifies that controlled substance prescribing guidelines are not administrative rules.
- Requires certain boards to annually submit a report to the Governor and Legislature detailing efforts taken by each specified board to address opioid abuse and goals for addressing opioid abuse.

*Effective date:* April 11, 2018

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April 13, 2018

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