

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 7, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DHS 75, relating to community substance use service standards	
4. Subject Advanced practice social workers and independent social workers treating substance use disorder as a specialty	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected N/A
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$Minimal	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule Section DHS 75.03 (85)(d) defines substance abuse counselor and provides a list of professionals who may provide substance abuse counseling under the scope of their credentials. Section DHS 75.59 (5)(e) defines licensed counselors who shall or may be employed at an opioid treatment program. The current rule enumerates professionals who fit the definitions are physicians, psychologists, clinical social workers, marriage and family therapists, and professional counselors with a license granted under chs. 448, 455, or 457, Stats. 2021 Wisconsin Act 222 amended s. 440.88 (3m) to expand the professionals who may treat substance use disorder as a specialty without obtaining a certification from DSPS or satisfying educational and supervised training requirements established by professional boards. Specifically, Act 222 added advanced practice social workers and independent social workers to the list of exempt individuals in s. 440.88 (3m), Stats. The definitions in Sections DHS 75.03 (85) and 75.59 (5)(e) do not include advanced practice social workers and independent social workers. The Department proposes to revise these provisions to expand professional types—specifically including advanced practice social workers and independent social workers—which the Department allows to provide substance abuse counseling, treatment, or prevention services within the scope of his or her credential, consistent with s. 440.88 (3m), Stats.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. County human services; tribal nation human services; substance use treatment providers certified under DHS 75; advocates and people with lived experience of substance use disorders; advanced practice social workers and independent social workers.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. Not applicable.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local	

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Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Minimal to none. Impacts are based on allowing advanced practice social workers and independent social workers to deliver substance use treatment under their DSPS certifications without needing a standalone substance abuse counselor certification. Therefore, impacts on small businesses and others are minimal.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Benefits include bringing DHS 75 into compliance with 2021 Wisconsin Act 222. Benefits also include reducing barriers to providing substance use disorder treatment by qualified professionals. There are no alternatives because the rule is out of compliance with statute.

16. Long Range Implications of Implementing the Rule

2021 Wisconsin Act 222 allows advanced practice social workers and independent social workers to provide substance use treatment services under their DSPS certifications. This increases the labor force of these professionals in the face of ongoing staffing shortages.

17. Compare With Approaches Being Used by Federal Government

There appears to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Under Illinois Administrative Code Section 2060.309 Professional Staff Qualifications for Substance Abuse Treatment and Intervention facilities:

a) All professional staff providing clinical services (except as set forth in subsection (b)(2)), as defined in this Part, shall:

1) hold clinical certification as a Certified Alcohol and Drug Counselor from the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA), 1305 Wabash Avenue, Suite L, Springfield, Illinois 62704; or

2) be a licensed professional counselor or licensed clinical professional counselor pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]; or

3) be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987; or

4) be licensed as a psychologist pursuant to the Clinical Psychology Practice Act [225 ILCS 15]; or

5) be licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

Illinois does not have the option of being an advanced practice social worker.

Iowa:

Iowa administrative code provides accreditation for providers of services to persons with mental illness, intellectual disability or developmental disability but not substance use services specifically. Iowa licenses three types of social workers: Licensed Bachelor Social Worker (LBSW), Licensed Master Social Worker (LMSW), and Licensed Independent Social Worker (LISW).

Michigan:

In substance use disorders services program administrative rule R 325.1301 Definitions. (p) "Licensed master's social worker" or "LMSW" means an individual engaged in counseling of recipients in a substance use disorder services program who is licensed under part 185 of the public health code, MCL 333.18501 to 333.18518, and is providing services in compliance with the scope of his or her license.

Minnesota:

Minnesota has four levels of social worker licenses: Licensed Social Worker (LSW) is the bachelor's license type; Licensed Graduate Social Worker (LGSW) is a master's license type; Licensed Independent Social Worker (LISW) is a master's license type plus nonclinical supervised practice; and Licensed Independent Clinical Social Worker (LICSW) is a master's license type plus clinical supervised practice. The LGSW is the equivalent of the APSW.

19. Contact Name

20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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