

State of Wisconsin



2017 Assembly Bill 907

Date of enactment: April 9, 2018
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2017 WISCONSIN ACT 262

AN ACT *to renumber and amend* 440.035 (2m); *to amend* 118.01 (2) (d) 6., 118.01 (2) (d) 7., 227.01 (13) (zk), 440.88 (3) (a) (intro.), 440.88 (3m), 440.88 (7), 457.02 (5), 457.02 (5m), 961.385 (2) (cm) 1. (intro.) and 961.385 (2) (cm) 2.; and *to create* 20.285 (1) (c), 36.25 (55), 49.45 (29z), 118.01 (2) (d) 2. d., 440.035 (2m) (a), 440.035 (2m) (c), 440.043, 441.19 and 448.038 of the statutes; **relating to:** reporting requirements for certain credentialing boards related to opioids; maintenance and detoxification treatment provided by physician assistants and advanced practice nurse prescribers; requiring school boards to provide instruction about drug abuse awareness and prevention; graduate training of psychiatric nurses; training materials for social services workers handling substance abuse-related cases; substance abuse counseling and modifying and creating administrative rules related to substance abuse counseling; and making appropriations.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2017-18	2018-19
20.285	University of Wisconsin System				
(1)	UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
(c)	Graduate psychiatric nursing education	GPR	A	-0-	250,000

SECTION 2. 20.285 (1) (c) of the statutes is created to read:

20.285 (1) (c) *Graduate psychiatric nursing education.* The amounts in the schedule for the purposes specified in s. 36.25 (55) (a).

SECTION 3. 36.25 (55) of the statutes is created to read:

36.25 (55) GRADUATE PSYCHIATRIC NURSING EDUCATION AT THE UNIVERSITY OF WISCONSIN-MADISON. (a) In consultation with the chancellor of the University of Wisconsin-Madison, the board shall do all of the following with respect to the graduate program in psychiatric men-

tal health nursing at the University of Wisconsin-Madison:

1. Increase the number of students provided the opportunity to study to be board-eligible psychiatric mental health nurse practitioners.
2. Expand the instructional capacity available to teach psychiatric mental health nursing.
3. Annually provide fellowships for graduate psychiatric mental health nursing students to participate in clinical rotations in rural communities or areas with shortages of mental health professionals in this state. In order to receive a fellowship under this subdivision, a student

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

shall commit to passing applicable board certification and to practicing in this state for at least 2 years after graduation from the program.

(b) Costs associated with the board's duties under par. (a) shall be funded from the appropriation account under s. 20.285 (1) (c).

SECTION 4. 49.45 (29z) of the statutes is created to read:

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

SECTION 5. 118.01 (2) (d) 2. d. of the statutes is created to read:

118.01 (2) (d) 2. d. Awareness about drug abuse, including prescription drug abuse, and prevention.

SECTION 6. 118.01 (2) (d) 6. of the statutes is amended to read:

118.01 (2) (d) 6. Knowledge of the prevention of accidents and promotion of safety on the public highways, including instruction on the relationship between highway safety and the use of alcohol and controlled substances, including prescription drugs, under ch. 961.

SECTION 7. 118.01 (2) (d) 7. of the statutes is amended to read:

118.01 (2) (d) 7. The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances, including prescription drugs, under ch. 961 and knowledge of the available community youth suicide prevention and intervention services. Instruction shall be designed to help prevent suicides by pupils by promoting the positive emotional development of pupils.

SECTION 7d. 227.01 (13) (zk) of the statutes is amended to read:

227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m) (b).

SECTION 7h. 440.035 (2m) of the statutes is renumbered 440.035 (2m) (b) and amended to read:

440.035 (2m) (b) The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, or the optometry examining board may issue guidelines regarding best practices in prescribing controlled substances, ~~as defined in s. 961.01 (4)~~, for persons credentialed by that board who are authorized to prescribe controlled substances.

SECTION 7p. 440.035 (2m) (a) of the statutes is created to read:

440.035 (2m) (a) In this subsection, "controlled substance" has the meaning given in s. 961.01 (4).

SECTION 7t. 440.035 (2m) (c) of the statutes is created to read:

440.035 (2m) (c) 1. The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, and the optometry examining board shall, by the first day of the 7th month beginning after the effective date of this subdivision [LRB inserts date], and annually thereafter, submit a report to the persons specified in subd. 2. that does all of the following:

a. Details proactive efforts taken by the board to address the issue of opioid abuse. The board shall specify whether the board has required, or otherwise encouraged, continuing education related to prescribing controlled substances for persons credentialed by that board who are authorized to prescribe controlled substances.

b. Sets goals for addressing the issue of opioid abuse, as that issue pertains to or implicates the practices of the professions regulated by the board.

c. Describes the actions taken by the board so that the goals described in subd. 1. b. that were identified in the board's previous reports under this paragraph can be achieved, whether those goals have been achieved, and, if the goals have not been achieved, the reasons therefor.

2. A report under subd. 1. shall be submitted to all of the following:

a. Any committee, task force, or other body or person designated by the governor.

b. To the appropriate standing committees of the legislature with jurisdiction over health issues under s. 13.172 (3).

SECTION 8. 440.043 of the statutes is created to read:

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

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

(3) The advisory committee established under sub. (1) may propose changes in statutes and rules to the department; the marriage and family therapy, professional counseling, and social work examining board; or other appropriate credentialing board.

SECTION 9. 440.88 (3) (a) (intro.) of the statutes is amended to read:

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

SECTION 10. 440.88 (3m) of the statutes is amended to read:

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

SECTION 11. 440.88 (7) of the statutes is amended to read:

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

SECTION 13. 441.19 of the statutes is created to read:

441.19 Maintenance and detoxification treatment under federal waiver. (1) In this section, “waiver” means a waiver issued by the federal department of health and human services under 21 USC 823 (g) (2) (A).

(2) With respect to the ability of an advanced practice nurse who is certified to issue prescription orders to obtain and practice under a waiver, a physician who meets any of the conditions specified in 21 USC 823 (g) (2) (G) (ii) shall be considered eligible to serve as a qualifying physician for purposes of the requirement under 21 USC 823 (g) (2) (G) (iv) (III), regardless of whether the physician himself or herself holds a waiver.

SECTION 16. 448.038 of the statutes is created to read:

448.038 Maintenance and detoxification treatment under federal waiver. (1) In this section, “waiver” means a waiver issued by the federal department of health and human services under 21 USC 823 (g) (2) (A).

(2) With respect to the ability of a physician assistant to obtain and practice under a waiver, a physician who meets any of the conditions specified in 21 USC 823 (g) (2) (G) (ii) shall be considered eligible to serve as a qualifying physician for purposes of the requirement under 21 USC 823 (g) (2) (G) (iv) (III), regardless of whether the physician himself or herself holds a waiver.

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

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

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

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

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

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

SECTION 30. 961.385 (2) (cm) 2. of the statutes, as created by 2015 Wisconsin Act 266, is amended to read:

961.385 (2) (cm) 2. A person who medically coordinates, directs, or supervises, or establishes standard operating procedures for, a practitioner, pharmacist, registered nurse, substance abuse counselor, or individual ~~authorized under s. 457.02 (5m) to treat alcohol or substance dependency or abuse as a specialty~~ to whom records may be disclosed under subd. 1., if the person is evaluating the job performance of the practitioner, pharmacist, registered nurse, substance abuse counselor, or individual, or is performing quality assessment and improvement activities, including outcomes evaluation

or development of clinical guidelines, and if the disclosure does not contain personally identifiable information, as defined in s. 19.62 (5), of a patient and is limited to only those records about the practitioner, pharmacist, registered nurse, substance abuse counselor, or individual the person medically coordinates, directs, or supervises, or for whom the person establishes standard operating procedures.

SECTION 31. DHS 75.02 (15) of the administrative code is amended to read:

DHS 75.02 (15) “Counseling” means the application of recognized theories, principles, techniques and strategies to manage and facilitate the progress of diverse patients toward mutually determined treatment goals and objectives using culturally sensitive modalities as described in s. SPS 466.01 (3) 160.02 (10m) or s. MPSW 2.01 (10).

SECTION 32. DHS 75.02 (84) (d) of the administrative code is amended to read:

DHS 75.02 (84) (d) ~~A s. MPSW 1.09 specialty~~ An individual who holds a clinical social worker, marriage and family therapist, or professional counselor license granted under ch. 457, Stats., ~~granted by DSPS.~~

SECTION 33. DHS 75.03 (4) (e) of the administrative code is amended to read:

DHS 75.03 (4) (e) ~~All~~ Any staff who ~~provide~~ provides clinical supervision ~~shall fulfill the requirements established, as defined~~ in s. SPS 160.02 (6) ~~and~~ shall hold a certificate from DSPS as required by 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, or professional possessing the ~~s. MPSW 1.09 subspecialty~~ a clinical social worker, marriage and family therapist, or professional counselor license granted under ch. 457, Stats., ~~and knowledgeable in addiction treatment.~~

SECTION 34. MPSW 1.09 of the administrative code is repealed.

SECTION 35. Chapter SPS 160 (title) of the administrative code is amended to read:

Chapter SPS 160

APPLICABILITY AND DEFINITIONS

SECTION 36. SPS 160.015 of the administrative code is created to read:

SPS 160.015 Applicability. (1) Except as provided in sub. (2), no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under s. 440.88, Stats.

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

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

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

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

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

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

SECTION 37. SPS 160.02 (2m) of the administrative code is created to read:

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

SECTION 38. SPS 160.02 (3) (g) of the administrative code is created to read:

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

SECTION 39. SPS 160.02 (3) (h) of the administrative code is created to read:

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

SECTION 40. SPS 160.02 (3m) of the administrative code is created to read:

SPS 160.02 (3m) “Case management” means education on culturally appropriate administrative, clinical, and evaluative activities included in the process of coordinating and prioritizing patient treatment goals and working with the patient and significant others, as well as

other services, agencies, and resources to achieve those treatment goals. The education shall include studies in implementing treatment plans including continuing assessment, the referral process, service coordination, including for co-occurring medical and psychological disorders, record management and documentation, and utilizing the written client record to guide and monitor services to reach measurable goals and objectives.

SECTION 41. SPS 160.02 (6) of the administrative code is amended to read:

SPS 160.02 (6) “Clinical supervision” means a specific and definitive process of oversight of a counselor’s professional development in the didactic, experiential and application of the transdisciplinary foundations, and practice dimensions including core functions. Supervision takes place in intermittent in person contact between a clinical supervisor and ~~treatment staff~~ a counselor provided on or off the site of a service to ensure that each patient has an individualized treatment plan and is receiving quality care. A primary purpose of “clinical supervision” is to ensure ~~skill development evidenced in~~ quality patient care.

SECTION 42. SPS 160.02 (9) of the administrative code is repealed.

SECTION 43. SPS 160.02 (10) of the administrative code is repealed.

SECTION 44. SPS 160.02 (10m) of the administrative code is created to read:

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

SECTION 45. SPS 160.02 (14) of the administrative code is repealed.

SECTION 46. SPS 160.02 (16) of the administrative code is repealed.

SECTION 47. SPS 160.02 (19m) of the administrative code is created to read:

SPS 160.02 (19m) “Patient education” means education about the process of providing patients, groups, families, couples, significant others, and communities with information on risks related to substance use, the processes of dependence including signs, symptoms, and behavior patterns, and available resources for prevention, treatment, and recovery in culturally relevant ways. The education shall include studies in understanding addiction including addiction to nicotine, the classification and basic pharmacology of drugs, basic physiology

and the effects of drug use on the human body and patient, learning styles and teaching methods, delivery of educational programs, health and behavior problems related to substance use including transmission of HIV/AIDS, tuberculosis, sexually transmitted infections, and other infectious diseases, and basic life skills such as stress management, communication, and assertiveness.

SECTION 48. SPS 160.02 (22) of the administrative code is repealed.

SECTION 49. SPS 160.02 (24m) of the administrative code is created to read:

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

SECTION 50. SPS 160.02 (28) of the administrative code is amended to read:

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

SECTION 51. SPS 160.02 (29) of the administrative code is repealed.

SECTION 52. SPS 160.03 of the administrative code is amended to read:

SPS 160.03 Use of title. ~~–A~~ Except as consistent with s. SPS 160.015 (2), a person may use the title “addiction counselor,” “substance abuse counselor,” “alcohol and drug counselor,” “substance use disorder counselor” or “chemical dependency counselor” only if he or she is certified as a substance abuse counselor, or as a clinical substance abuse counselor under s. 440.88, Stats., ~~or as allowed under the provisions of s. 457.02 (5m), Stats.~~

SECTION 53. Chapter SPS 161 of the administrative code is repealed and recreated to read:

Chapter SPS 161

REQUIREMENTS FOR CERTIFICATION

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

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.

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

(4) Evidence of completion of 100 hours of substance use disorder specialized education through a postsecondary institution, department-approved continuing education, or department-approved education program. The 100 hours shall be in all of the following:

- (a) Fifteen hours in assessment training.
- (b) Fifteen hours in counseling training.
- (c) Ten hours in case management.
- (d) Fifteen hours in patient education.
- (e) Twenty hours in professional responsibility.
- (f) Twenty-five hours in electives in any of the subjects in pars. (a) to (e).

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

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

SPS 161.02 Substance abuse counselor application. An applicant for certification as a substance abuse counselor shall submit all of the following:

(1) An application form.

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

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

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

- (a) Sixty hours in assessment training.
- (b) Sixty hours in counseling training.
- (c) Sixty hours in case management.
- (d) Sixty hours in patient education.
- (e) Sixty hours in professional responsibility.
- (f) Six hours in boundaries and ethics.
- (g) Fifty-four hours in electives in any of the subjects in pars. (a) to (f).

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

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

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

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

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

SPS 161.03 Clinical substance abuse counselor application. An applicant for certification as a clinical substance abuse counselor shall submit all of the following:

(1) An application form.

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

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

(4) Evidence of one of the following:

(a) Holding a substance abuse counselor credential.

(b) Completion of 360 hours of substance use disorder specialized education through a postsecondary institution or department-approved education program. The 360 hours shall be in all of the following:

1. Sixty hours in assessment training.
2. Sixty hours in counseling training.
3. Sixty hours in case management.
4. Sixty hours in patient education.
5. Sixty hours in professional responsibility.
6. Six hours in boundaries and ethics.
7. Fifty-four hours in electives in any of the subjects in subs. 1. to 6.

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

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

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

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related

information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.

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

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of current employment, a written offer of employment, or an agreement authorizing volunteer hours as a clinical supervisor of counselors providing substance use disorder treatment services who are certified under s. 440.88, Stats., or licensed under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats.
- (4) Evidence of one of the following:
 - (a) Holding an active clinical substance abuse counselor credential.
 - (b) Holding an active license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.

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

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of holding an active credential of one of the following:
 - (a) Clinical substance abuse counselor.
 - (b) A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.
- (4) Evidence of at least one year of clinical supervisory experience as a supervisor-in-training or intermediate supervisor within the last 5 years as the supervisor of counselors certified under s. 440.88, Stats., or having a license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats.
- (5) Evidence of one of the following:
 - (a) Holding an intermediate clinical supervisor credential.
 - (b) Successful completion of 30 hours of education in clinical supervision, including a minimum of 6 hours of training in each of the following:
 1. Assessment and evaluation.
 2. Counselor development.
 3. Management and administration.
 4. Professional responsibility.
 - (c) Holding an American Association for Marriage and Family Therapy supervisor certification.

(6) Evidence of successful passage of the National Association of Alcoholism Counselors and Trainers' NCSE exam.

SPS 161.06 Prevention specialist-in-training application. An applicant for certification as a prevention specialist-in-training shall submit all of the following:

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of successful completion of 40 hours of approved education, including 5 hours specific to ethics, in the following content areas:
 - (a) Planning and evaluation.
 - (b) Prevention education and service delivery.
 - (c) Communication.
 - (d) Community organization.
 - (e) Public policy and environmental change.
 - (f) Professional growth and responsibility.

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

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of successful passage of the jurisprudence examination.
- (4) Evidence of successful completion of 120 hours of approved education, including 50 hours specific to alcohol, tobacco, and other substance abuse and 6 hours specific to ethics, in the following content areas:
 - (a) Planning and evaluation.
 - (b) Prevention education and service delivery.
 - (c) Communication.
 - (d) Community organization.
 - (e) Public policy and environmental change.
 - (f) Professional growth and responsibility.

SPS 161.08 Reciprocity. An applicant holding a current credential in good standing as a substance abuse counselor, clinical supervisor, or prevention specialist or its equivalent in another state or U.S. territory with requirements for the credential that are not lower than specified in this chapter shall submit all of the following:

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.
- (4) For applicants who have had disciplinary or adverse action taken on their substance abuse counselor, clinical supervisor, or prevention specialist credential or

its equivalent, all related information necessary for the department to determine whether the circumstances of the disciplinary action or adverse action warrant denial of the application.

(5) Evidence of successful passage of jurisprudence examination.

SECTION 54. SPS 163.01 of the administrative code is repealed.

SECTION 55. SPS 163.02 (1) of the administrative code is renumbered SPS 163.02 and amended to read:

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

SECTION 56. SPS 163.02 (2) of the administrative code is repealed.

SECTION 57. SPS 163.02 (3) of the administrative code is repealed.

SECTION 58. SPS 164.01 (2) (fm) of the administrative code is created to read:

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

SECTION 59. SPS 164.01 (2) (j) of the administrative code is amended to read:

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

SECTION 60. SPS 164.01 (2) (k) of the administrative code is amended to read:

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

SECTION 61. SPS 164.01 (2) (x) of the administrative code is amended to read:

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

SECTION 62. SPS 164.01 (2) (y) of the administrative code is created to read:

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

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

SECTION 63. Chapter SPS 165 of the administrative code is repealed and recreated to read:

Chapter SPS 165

RENEWAL AND REINSTATEMENT

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

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

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

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

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

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

(b) Provide evidence of one of the following:

1. Holding a substantially equivalent credential in another state.

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

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

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

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

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

SECTION 64. Chapter SPS 166 of the administrative code is repealed and recreated to read:

Chapter SPS 166

EDUCATION APPROVAL

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

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

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

1. Assessment training.
2. Counseling training.
3. Case management.
4. Patient education.
5. Professional responsibility.
6. Boundaries and ethics.

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

1. The instructor holds one of the following credentials in good standing:
 - a. Substance abuse counselor.
 - b. Clinical substance abuse counselor.
 - c. A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats.
2. The instructor is a physician with knowledge and experience related to substance use disorder counseling.
3. The instructor is a psychologist with knowledge and experience related to substance use disorder counseling.
4. The instructor is an instructor of substance use disorder related courses at an accredited institution.

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

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

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

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

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

- (1) An accredited college or university.
- (2) The Wisconsin Association of Alcohol and Drug Abuse.

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

(4) The Wisconsin Clearinghouse for Prevention Resources.

(5) The Federal Center for Substance Abuse Prevention.

(6) The National Center for the Application of Prevention Technologies or its regional centers.

(7) The federal department of health and human services, or its agencies, institutes, administrations, or centers.

(8) The White House Office of National Drug Control Policy.

(9) The department of health services.

(10) The department of public instruction.

SECTION 65. Chapter SPS 168 of the administrative code is repealed and recreated to read:

Chapter SPS 168

CONTINUING EDUCATION

SPS 168.01 Continuing education requirements.

(1) Unless granted a postponement or waiver of the continuing education requirements under s. SPS 168.03, a substance abuse counselor or prevention specialist shall complete 30 continuing education credit hours in approved continuing education programs during each 2-year credential period and shall certify on the renewal application that all required continuing education was completed.

(2) A minimum of 4 continuing education credit hours of the required 30 credit hours shall be in the area of professional ethics and boundaries.

(3) A credential holder who also holds an active license granted under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats., may satisfy the continuing education requirements by meeting the continuing education requirements under s. 457.22, Stats.

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

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

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

SPS 168.02 Approved continuing education. (1)

A continuing education program is approved if it is relevant to the practice of substance abuse counseling and any of the following applies:

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

1. The National Association of Alcohol and Drug Abuse Counseling or one of its affiliated divisions.
2. The International Certification & Reciprocity Consortium.
3. The American Association for Marriage and Family Therapy or one of its affiliated divisions.
4. The Wisconsin Association for Marriage and Family Therapy.
5. The National Rehabilitation Counseling Association.
6. The American Rehabilitation Counseling Association.
7. The Wisconsin Rehabilitation Counseling Association.
8. The National Board for Certified Counselors.
9. The Commission on Rehabilitation Counselor Certification.
10. The Association of Social Work Boards.
11. The National Association of Social Workers or one of its affiliated chapters.
12. The Association of Baccalaureate Program Directors.
13. The Council on Social Work Education.

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

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

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

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

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

1. Presenting professional material. One continuing education credit hour is earned under this subdivision for each hour of a continuing education presentation, except

that 15 credit hours are earned for presenting a semester-long educational course. No continuing education credit hours are earned by a person for repeating a presentation for which the person has previously earned continuing education. A person who presents for any of the following may earn continuing education credit hours under this subdivision:

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

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

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

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

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

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

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

SECTION 66. Fiscal changes.

(1) TRAINING MATERIALS FOR SUBSTANCE ABUSE-RELATED CASES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of children and families under section 20.437 (1) (a) of the statutes, the dollar amount for fiscal year 2018-19 is increased by \$50,000 to develop and maintain Internet-accessible training materials for county social services or veteran services workers on the appropriate response to cases involving substance abuse.

SECTION 67. Initial applicability.

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

SECTION 68. Effective dates. This act takes effect on the day after publication, except as follows:

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