



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0143/1
KP:skw

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 526**

October 28, 2019 - Offered by Representative KURTZ.

1 **AN ACT** *to consolidate, renumber and amend* 440.88 (9)(intro.) and (b); *to*
2 *amend* 440.88 (9) (a), 455.065 (1) and 457.22 (1) (intro.); and *to create* 448.40
3 (2) (h) and 457.22 (3) of the statutes; **relating to:** requiring continuing
4 education on suicide prevention for physicians, psychologists, social workers,
5 marriage and family therapists, professional counselors, and substance abuse
6 counselors, providing an exemption from emergency rule procedures, and
7 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Safety and Professional Services; the Medical Examining Board; the Psychology Examining Board; and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to promulgate rules that require a person holding a credential as a physician, psychologist, private practice school psychologist, social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, professional counselor, substance abuse counselor, clinical substance abuse counselor, or prevention specialist to complete at least two hours of continuing education on suicide prevention the first time that the person renews that credential.

The bill also requires DSPS and those examining boards to promulgate emergency rules that require a person who currently holds a credential as a physician, psychologist, private practice school psychologist, social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, professional counselor, substance abuse counselor, clinical substance abuse counselor, or prevention specialist to complete at least two hours of continuing education on suicide prevention for the next time that the person renews that credential.

Under current law, each of those types of professionals must complete at least 30 hours of continuing education every two years to renew their credentials, except that psychologists and private practice school psychologists are required to complete 40 hours of continuing education every two years to renew their licenses.

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

1 **SECTION 1.** 440.88 (9) (intro.) and (b) of the statutes are consolidated,
2 renumbered 440.88 (9) (bm) and amended to read:

3 440.88 **(9)** (bm) The department may ~~do all of the following:~~ ~~(b) Require~~ require
4 continuing education as part of any disciplinary process for an individual.

5 **SECTION 2.** 440.88 (9) (a) of the statutes is amended to read:

6 440.88 **(9)** (a) ~~Establish~~ The department shall establish the minimum number
7 of hours of continuing education required for renewal of certification under this
8 section and the topic areas that the continuing education must cover. The rules
9 promulgated under this paragraph shall require an applicant for renewal of a
10 substance abuse counselor, clinical substance abuse counselor, or prevention
11 specialist certification in the first renewal period beginning after the date on which
12 the department initially granted the certification to complete at least 2 hours of
13 continuing education programs or courses on suicide prevention.

14 **SECTION 3.** 448.40 (2) (h) of the statutes is created to read:

1 448.40 (2) (h) Requiring an applicant for renewal of a license to practice
2 medicine and surgery in the first renewal period beginning after the date on which
3 the board initially granted the license to complete at least 2 credit hours of
4 continuing education programs or courses on suicide prevention approved by the
5 board.

6 **SECTION 4.** 455.065 (1) of the statutes is amended to read:

7 455.065 (1) Promulgate rules establishing the minimum number of hours of
8 continuing education, the topic areas that the continuing education must cover, the
9 criteria for the approval of continuing education programs and courses required for
10 renewal of a license and the criteria for the approval of the sponsors and cosponsors
11 of those continuing education programs and courses. The rules promulgated under
12 this subsection shall require each applicant for renewal of a license under s. 455.04
13 (1) or (4) in the first renewal period beginning after the date on which the examining
14 board initially granted the license to complete at least 2 hours of continuing
15 education programs or courses on suicide prevention. The rules promulgated under
16 this subsection may not count continuing education programs or courses on suicide
17 prevention more than continuing education programs or courses on any other topic.

18 **SECTION 5.** 457.22 (1) (intro.) of the statutes is amended to read:

19 457.22 (1) (intro.) The examining board ~~may~~ shall do ~~any~~ all of the following:

20 **SECTION 6.** 457.22 (3) of the statutes is created to read:

21 457.22 (3) The rules promulgated under sub. (1) shall require an applicant for
22 renewal of a credential under s. 457.08, 457.10, or 457.12 in the first renewal period
23 beginning after the date on which the examining board initially granted the
24 credential to complete at least 2 hours of continuing education programs or courses
25 of study on suicide prevention.

SECTION 7. Nonstatutory provisions.

(1) EMERGENCY RULES; SAFETY AND PROFESSIONAL SERVICES. Using the procedure under s. 227.24, the department of safety and professional services shall promulgate rules requiring a person who on the effective date of this subsection is certified under s. 440.88 as a substance abuse counselor, clinical substance abuse counselor, or prevention specialist to complete at least 2 hours of continuing education programs or courses on suicide prevention approved by the board to renew a certification under s. 440.88 (4). Notwithstanding s. 227.24 (1) (a) and (3), the department of safety and professional services is not required to provide evidence that promulgating a rule under this subsection is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection may remain in effect until March 1, 2021, and the effective period may not be further extended under s. 227.24 (2).

(2) EMERGENCY RULES; MEDICAL EXAMINING BOARD. Using the procedure under s. 227.24, the medical examining board shall promulgate rules requiring a person who on the effective date of this subsection holds a license to practice medicine and surgery under s. 448.04 to complete at least 2 credit hours of continuing education programs or courses on suicide prevention approved by the board to renew a license to practice medicine and surgery under s. 448.07. Notwithstanding s. 227.24 (1) (a) and (3), the medical examining board is not required to provide evidence that promulgating a rule under this subsection is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24

1 (1) (c) and (2), emergency rules promulgated under this subsection may remain in
2 effect until November 1, 2021, and the effective period may not be further extended
3 under s. 227.24 (2).

4 (3) EMERGENCY RULES; PSYCHOLOGY EXAMINING BOARD. Using the procedure under
5 s. 227.24, the psychology examining board shall promulgate rules requiring a person
6 who on the effective date of this subsection is licensed as a psychologist under s.
7 455.04 (1) or as a private practice school psychologist under s. 455.04 (4) to complete
8 at least 2 hours of continuing education programs or courses on suicide prevention
9 to renew a license under s. 455.06. Notwithstanding s. 227.24 (1) (a) and (3), the
10 psychology examining board is not required to provide evidence that promulgating
11 a rule under this subsection is necessary for the preservation of the public peace,
12 health, safety, or welfare and is not required to provide a finding of emergency for a
13 rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2),
14 emergency rules promulgated under this subsection may remain in effect until
15 October 1, 2021, and the effective period may not be further extended under s. 227.24
16 (2).

17 (4) EMERGENCY RULES; MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,
18 AND SOCIAL WORK EXAMINING BOARD. Using the procedure under s. 227.24, the
19 marriage and family therapy, professional counseling, and social work examining
20 board shall promulgate rules requiring a person who on the effective date of this
21 subsection holds a credential under s. 457.08, 457.10, or 457.12 to complete at least
22 2 hours of continuing education programs or courses of study on suicide prevention
23 to renew a credential under s. 457.20. Notwithstanding s. 227.24 (1) (a) and (3), the
24 marriage and family therapy, professional counseling, and social work examining
25 board is not required to provide evidence that promulgating a rule under this

1 subsection is necessary for the preservation of the public peace, health, safety, or
2 welfare and is not required to provide a finding of emergency for a rule promulgated
3 under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
4 promulgated under this subsection may remain in effect until March 1, 2021, and the
5 effective period may not be further extended under s. 227.24 (2).

6 (END)