

**STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

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**IN THE MATTER OF RULEMAKING** :  
**PROCEEDINGS BEFORE THE** : **REPORT TO THE LEGISLATURE**  
: **CR 14-059**  
**DEPARTMENT OF SAFETY AND** :  
**PROFESSIONAL SERVICES** :

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

None

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

Current Department administrative rules require an individual seeking substance abuse counselor certification to attend a comprehensive program that has been pre-approved by the Department. The proposed rule modifies the comprehensive program approval requirements to allow for competency-based flexible option programs. Competency-based flexible option programs address workforce shortage issues by providing an academically rigorous but less time-consuming avenue for obtaining the substance abuse counselor education requirements that is appealing to working adults.

Specifically, the current rule limits the number of education hours in a comprehensive program that may be obtained through internet based coursework. Since the initial promulgation of these rules, significant technological advancements in internet-based coursework have made it essentially comparable to in-person coursework. The proposed rule eliminates the limitation on internet based coursework.

The current rule also requires an individual seeking approval of a comprehensive program to submit specific allocations of classroom hours toward each required content area for each course. In the proposed rule, an individual seeking approval of a program that is based on core competencies may allocate classroom hours toward each content area for each core competency.

Lastly, the proposed rule updates incorrect references to other code and statutes.

The Substance Abuse Counselor Certification Review Committee met on September 30, 2014. The Committee reviewed the proposed rule and passed a motion to recommend the approval of the preliminary rule draft.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Department of Safety and Professional Services held a public hearing on December 1, 2014. The following people either testified at the hearing, or submitted written comments:

Katie Roberts, Wisconsin Technical College System  
Tammy Gorski, Northcentral Technical College  
April Hameau, Northcentral Technical College

The Department summarizes the comments received either by hearing testimony or by written submission as follows:

Northcentral Technical College offers working adults flexible, cost-effective options to obtain the necessary education requirements required by the Department to become a substance abuse counselor. Currently, the technical colleges offer competency-based education programs that are assessed through technical skills attainment.

Lifting the online education requirement by repealing SPS 166.03 (4) would allow greater flexibility for the Wisconsin Technical Colleges to meet the needs of stakeholders seeking certification as a substance abuse counselor. Educational credit and cost would remain the same as per current tuition cost.

The Department will not make any modifications to its rule-making proposal prompted by public comments.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Form, Style, and Placement in Administrative Code**

**Comment:** Generally, do the treatments specified by the proposed rule fully capture the department's intent for the rule-making, as stated in the plain language explanation of the proposed rule? In the rule summary, the department states that its goal is to recognize competency-based flexible option programs as well as comprehensive programs. However, the treatments specified by the rule appear to characterize a competency-based program as a sub-type of a comprehensive program rather than an alternative to a comprehensive program. Would it be desirable for the department to revise its rules in a manner that clearly and separately recognizes each type of program, rather than redefining "comprehensive" program to include a competency-based program in a

manner that expands the definition of “comprehensive” program to include its alternative?

**Response:** All programs approved by the Department to satisfy substance abuse counselor certification education requirements are comprehensive in that they must include all or nearly all elements of substance abuse counseling as specified in rule. Approved competency-based programs will be comprehensive programs because they will still cover all content areas.

**Clarity, Grammar, Punctuation, and Use of Plain Language**

**Comment:** In s. SPS 166.07 (1) (intro.), what is the department’s intended effect for changing the phrase “360 hour comprehensive program” to “comprehensive program equivalent to 360 hours”?

**Response:** In competency-based programs students are not required to attend class for a designated number of hours to receive credit towards the degree or certification. Students earn credit by demonstrating competency in designated areas. The program providers must provide classroom hour equivalencies toward each content area for each competency. The sum of the classroom hour equivalencies must be 360.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

The rule will not have an effect on small business and as such was not submitted to the SBRRB as part of the rule promulgation process.