

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 160 - 168

Relating to: Substance abuse counselors, clinical supervisors and prevention specialists

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to update the rule to ensure the rule conforms to statutes, remove obsolete provisions, correct cross-references, allow for current technologies, update terminology and reflects current practices in the profession.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapters SPS 160-168 governing substance abuse counselors, clinical supervisors and prevention specialists have not been comprehensively reviewed or updated since the professions were transferred to the Department of Safety and Professional Services and the original rules drafted in 2007.

The proposed rules will update the following: minimum standards and qualifications for the substance abuse credentials (basing the standards on demonstrated requisite competency, knowledge, skills and attitudes of professional practice that are culturally competent and evidence based); the criteria for the continuing education programs and courses required for renewal, including any specific topic areas; the criteria for the approval of sponsors of continuing education; and the minimum standards of practice. This revision will include: updating to current terminology, technologies, and practices in the profession; removing obsolete or burdensome provisions; correcting cross-references; conforming to statutory provisions; and creating clarity while maintaining the health, safety and welfare of the public.

The alternative to the proposed changes would be to continue to have conflicts and lack of clarity within the code, and maintain procedures and practices which are out-of-date.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

440.88 (2) Certification. Except as provided in sub. (3m) and s. 440.12 or 440.13, the department shall certify as a substance abuse counselor, a clinical supervisor, or a prevention specialist any individual who satisfies the applicable conditions in sub. (3) and who has presented evidence satisfactory to the department that applicable certification standards and qualification of the department, as established by rule, have been met.

440.88 (3) (a) 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:

1. Substance abuse counselors-in-training.
2. Substance abuse counselors.
3. Clinical substance abuse counselors.
- 4m. Clinical supervisors-in-training.
5. Intermediate clinical supervisors.
6. Independent clinical supervisors.
7. Prevention specialists-in-training.
8. Prevention specialists.

(b) Rules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence-based.

440.88 (9) (a) The department may establish the minimum number of hours of continuing education required for renewal of certification under this section and the topic areas that the continuing education must cover.

440.88 (10) Continuing education course approval. The department shall establish the criteria for the approval of continuing education programs and courses required for renewal of certification of a substance abuse counselor, clinical supervisor, or prevention specialist and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The department shall approve continuing education programs and courses in accordance with the criteria established under this subsection.

440.88 (11) Scope of practice. The department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision and prevention.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

150 hours

6. List with description of all entities that may be affected by the proposed rule :

Substance abuse counselors, clinical supervisors and prevention specialists as well as the applicants and in training certificates for those professions and the public receiving services from these professions.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

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