

# STATEMENT OF SCOPE

## MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD

Rule No.: MPSW 1.09

Relating to: Substance Use Disorder Specialty

Rule Type: Emergency and Permanent

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

2017 Act 262, section 34 repealed MPSW 1.09 of the administrative code. Assembly Bill 907, as introduced, initially included a repeal of s. 457.02 (5) and (5m) and the repeal of MPSW 1.09, as MPSW 1.09 was promulgated under the authority of s. 457.02 (5m). However, a subsequent amendment to the bill reinserted and amended s. 457.02 (5) and (5m) but did not reinsert MPSW 1.09. Assembly Bill 907 passed with these amendments to become 2017 Act 262. 2017 Act 262 authorizes individuals certified under chapter 457 to treat substance use disorder as a specialty if the individual satisfies the educational and supervised training requirements established in rules promulgated by the examining board.

Therefore, the examining board needs to establish the educational and supervised training requirements for those who specialize in treating substance use disorder in order to fully implement 2017 Act 262.

In recognition of Wisconsin experiencing the opioid epidemic and with a shortage of individuals to treat substance use disorders, the Board finds it necessary to promulgate emergency rules to preserve the public health, safety and welfare.

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

The object is to promulgate rules establishing educational and supervised training requirements for individuals certified by the Board to treat substance use disorders.

### 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:

The Board proposes to establish educational and supervised training requirements for individuals certified under chapter 457. The Board will consider the new requirements for qualifying as a certified substance abuse counselor, clinical supervisor or prevention specialist under s. 440.88.

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

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

457.02 (5m) This chapter does not authorize any individual who is certified under s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to treat substance use disorder 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.

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

60 hours

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

Social Workers, Advanced Practice Social Workers, Independent Social Workers and individuals working under a Social Worker Training Certificate.

**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. The rule is not likely to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377