
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: January 19, 2024

Contact: Steve McCarthy, Senior Staff Attorney

2023 Senate Bill 158

**Senate Amendment 1 and
Assembly Amendment 1**

2023 SENATE BILL 158

Senate Bill 158 creates a preliminary health care credential that is available to individuals who have completed the requirements for the corresponding permanent or training health care credential while they await a decision from the Department of Safety and Professional Services (DSPS) regarding their application for the permanent or training credential. The preliminary credential subjects a person to all responsibilities and limitations of the corresponding credential.

An applicant for a preliminary credential must make certain attestations, including that the applicant has completed the requirements for the corresponding credential within the last two years, does not have a disqualifying arrest or conviction record, has applied for the corresponding credential, and is engaged with a health care employer to provide services within the scope of the credential.

The health care employer must also make certain attestations, including that the employer has engaged with the applicant, that the employer is reasonably certain that the applicant has completed the requirements for the permanent or training credential within the last two years, and that the applicant has passed a background check performed by the health care employer. The employer also must submit to DSPS its national provider identifier.

The preliminary credential is effective upon the submission of the employer's attestation or a date specified by the employer. The preliminary credential expires on the date DSPS grants or denies the application for the corresponding credential.

SENATE AMENDMENT 1

In addition to the attestations an applicant for a preliminary credential must make under the bill, the amendment requires an applicant to make an additional attestation that the applicant does not have any disqualifying conviction, defined by the amendment to include a felony or a misdemeanor, the circumstances of which involved the individual causing bodily harm to, or having sexual contact with, another individual. The attestation requirement added by the amendment applies regardless of whether the disqualifying conviction is a conviction based upon which the department or credentialing board, as applicable, may deny the individual's application for a permanent credential.

The amendment also specifies that the health care employer must additionally attest that the background check the employer is required to perform under the bill did not reveal a disqualifying conviction.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 retains the bill, as amended by the Senate, and adds provisions that ratify and enter Wisconsin into the Social Work Licensure Compact.¹ The compact generally provides for the ability of a social worker to become eligible to practice in other compact states. The compact applies only to an applicant for a multistate license, and does not affect requirements for Wisconsin licensure.

Licensure

To obtain a multistate license, an individual must satisfy general requirements and requirements specific to the individual's category of multistate licensure. The Social Work Licensure Compact creates three categories of multistate licensure: clinical, master's, and bachelor's. The general requirements an individual must satisfy are the following:

- Hold or be eligible for an active, unencumbered license in the individual's home state.
- Pay any applicable fees, including state fees, for the multistate license.
- Complete a background check.
- Notify the individual's home state of any adverse action taken on any professional license by a member state within 30 days from the date the action is taken.
- Meet any continuing competence requirements established by the home state.
- Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.

A clinical-category multistate license applicant must also fulfill a competency requirement, an education requirement, and a practice requirement. An applicant satisfies the competency requirement by either passage of a clinical-category qualifying national exam or continuous social work licensure at the clinical category that began prior to the date on which the applicant's home state began to require a qualifying national exam for this category, or a substantially equivalent method determined by rule. An applicant satisfies the education requirement by attaining a master's degree in social work from a program at a qualifying college or university. An applicant satisfies the practice requirement by completion of either a period of postgraduate supervised clinical practice equal to a minimum of 3,000 hours or a minimum of two years of full-time postgraduate supervised clinical practice, or a substantially equivalent method determined by rule.

A master's-category multistate license applicant must also fulfill a competency requirement and an education requirement. An applicant satisfies the competency requirement by passage of a master's category qualifying national exam or continuous social work licensure at the master's category that began prior to the date on which the applicant's home state began to require a qualifying national exam for this category, or a substantially equivalent method determined by rule. An applicant satisfies the education requirement by attaining a master's degree in social work from a program at a qualifying college or university.

A bachelor's-category multistate license applicant must also fulfill a competency requirement and an education requirement. An applicant satisfies the competency requirement by passage of a bachelor's category qualifying national exam or continuous social work licensure at the bachelor's category that began prior to the date on which the applicant's home state began to require a qualifying national exam for this category, or a substantially equivalent method determined by rule. An applicant satisfies the

¹ The amendment adds the provisions of 2023 Assembly Bill 382/Senate Bill 391, relating to ratification of the Social Work Licensure Compact

education requirement by attaining a bachelor's degree in social work from a program at a qualifying college or university.

A multistate license is subject to the renewal requirements of the license holder's home state.

If a multistate license holder moves from one member state to another member state, the individual is required to immediately apply for the reissuance of the individual's multistate license in the new member state and provide notice to the prior home state. The new home state must verify the applicant's credentials and conduct the required background check, and may require completion of a jurisprudence requirement, if required for initial licensure.

An activity duty military member or the member's spouse must designate a home state where the individual has a multistate license and may retain that home state designation during the period the service member is on active duty.

Regulatory Oversight

While providing social work services under a multistate license, a licensed individual must function within the laws and regulations of the member state in which the person is providing the services, and is subject to that state's regulatory authority.

In addition, the compact does all of the following:

- Allows member states' licensure boards to conduct joint investigations of licensed individuals and to issue subpoenas that are enforceable in other member states.
- Creates a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.
- Requires applicants for a multistate license to submit to be fingerprinted, and requires an applicant's fingerprint cards to be submitted to the state Department of Justice and the Federal Bureau of Investigation for a criminal history background check.

Governance of the Compact

For governance of the compact, the compact enters Wisconsin into the Social Work Licensure Compact Commission, which includes one member of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules to coordinate implementation and administration of the compact, and establishing and electing an executive committee.

The compact provides for dispute resolution between states and includes a process for termination of a state's membership in the compact if a state defaults on its obligations under the compact. The compact also permits a state to withdraw from the compact by repealing the statute authorizing the compact, to take effect six months after the effective date of the repeal.

The compact requires seven states to enact the compact statute before the commission is created and compact implementation begins. The compact may be amended by the member states, effective after enacted into the laws of all member states.

BILL HISTORY

Senator Nass offered Senate Amendment 1 on June 14, 2023. On the same day, the Senate voted to adopt the amendment on a voice vote, and pass the bill, as amended, on a vote of Ayes, 22; Noes, 11.

Representative Sortwell offered Assembly Amendment 1 on October 31, 2023. On January 16, 2024, the Assembly adopted Assembly Amendment 1, and concurred in the bill, as amended, on voice votes.

For a full history of the bill, visit the Legislature's [bill history page](#).

SM:ksm