



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5591/1

MED:skw

2023 SENATE BILL 1005

February 7, 2024 - Introduced by Senators CARPENTER and BALLWEG, cosponsored by Representatives GUSTAFSON, MOORE OMOKUNDE, BALDEH, CONSIDINE, EMERSON, JOERS, SINICKI, SNODGRASS, STUBBS, SUBECK, HAYWOOD and VINING. Referred to Committee on Licensing, Constitution and Federalism.

AN ACT *to amend* 440.08 (2) (a) (intro.), 457.08 (1) (intro.), 457.08 (2) (intro.), 457.08 (3) (intro.) and 457.08 (4) (intro.); and *to create* 457.08 (6) and 457.085 of the statutes; **relating to:** provisional social worker certificates and licenses.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from using the title “social worker” without holding a social worker certificate, and similarly prohibits the use of other titles corresponding to higher levels of social work practice without a corresponding credential for that level of social work practice. Those higher levels of social work practice include advanced practice social work, independent social work, and clinical social work. Current law further prohibits the practice of clinical social work without a clinical social worker license. Current law specifies requirements for obtaining these social worker credentials, all of which include a requirement of passage of an examination.

This bill provides for an alternative pathway to obtain a social work credential without passage of a national examination. Under the bill, an individual who has taken the examination corresponding to a particular category of social work credential and has not passed the examination, but who otherwise satisfies the requirements for the credential, may obtain a provisional credential. With the provisional credential, the individual is allowed to practice the corresponding level of social work, may use the corresponding title, and is considered to be that level of

SENATE BILL 1005**SECTION 1**

social worker, but the individual must obtain at least three hours of supervision during every 160 hours of practice, in accordance with the bill and rules promulgated by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board and subject to periodic evaluation. Upon successful completion of the supervised practice requirement, the individual must receive a final evaluation and may obtain a corresponding nonprovisional social worker credential without passage of the examination.

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

SECTION 1. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 457.085 (3), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as follows:

SECTION 2. 457.08 (1) (intro.) of the statutes is amended to read:

457.08 (1) SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall grant a social worker certificate to an individual who qualifies under sub. (6) (a) or s. 457.09 (5) (d) or to any individual who does all of the following:

SECTION 3. 457.08 (2) (intro.) of the statutes is amended to read:

457.08 (2) ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall grant an advanced practice social worker certificate to ~~any~~ an individual who qualifies under sub. (6) (b) or to an individual who is certified under sub. (1) and does all of the following:

SECTION 4. 457.08 (3) (intro.) of the statutes is amended to read:

457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall grant an independent social worker certificate to ~~any~~ an

SENATE BILL 1005**SECTION 4**

individual who qualifies under sub. (6) (c) or to an individual who is certified under sub. (1) and does all of the following:

SECTION 5. 457.08 (4) (intro.) of the statutes is amended to read:

457.08 (4) CLINICAL SOCIAL WORKER LICENSE. (intro.) The social worker section shall grant a clinical social worker license to ~~any~~ an individual who qualifies under sub. (6) (d) or to an individual who is certified under sub. (1) and does all of the following:

SECTION 6. 457.08 (6) of the statutes is created to read:

457.08 (6) CERTIFICATE OR LICENSE BASED ON PROVISIONAL CERTIFICATE OR LICENSE. (a) Upon satisfaction of the requirements in s. 457.06, the social worker section shall grant a social worker certificate to an individual who has held a provisional social worker certificate and whose completion of supervised practice has been verified under s. 457.085 (4) (e) 2.

(b) Upon satisfaction of the requirements in s. 457.06, the social worker section shall grant an advanced practice social worker certificate to an individual who has held a provisional advanced practice social worker certificate and whose completion of supervised practice has been verified under s. 457.085 (4) (e) 2.

(c) Upon satisfaction of the requirements in s. 457.06, the social worker section shall grant an independent social worker certificate to an individual who has held a provisional independent social worker certificate and whose completion of supervised practice has been verified under s. 457.085 (4) (e) 2.

(d) Upon satisfaction of the requirements in s. 457.06, the social worker section shall grant a clinical social worker license to an individual who has held a

SENATE BILL 1005**SECTION 6**

provisional clinical social worker license and whose completion of supervised practice has been verified under s. 457.085 (4) (e) 2.

SECTION 7. 457.085 of the statutes is created to read:

457.085 Provisional social worker certificates and licenses. (1) The social worker section shall grant a provisional social worker certificate, provisional advanced practice social worker certificate, provisional independent social worker certificate, or provisional clinical social worker license, as applicable, to any individual who does all of the following:

(a) Submits an application for the provisional certificate or license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Has taken the applicable national social work examination required under s. 457.08 (1) (c), (2) (c), (3) (d), or (4) (d) and not passed the examination.

(d) Otherwise satisfies the requirements under s. 457.08 (1), (2), (3), or (4), whichever is applicable with respect to the category of social work certificate or license for which the applicant is applying.

(e) Has taken and passed an examination approved by the social worker section that tests knowledge of state law relating to social work, if required under s. 457.08 (1) (c), (2) (c), (3) (d), or (4) (d).

(2) (a) 1. Notwithstanding s. 457.04 (1), a provisional social worker certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

2. A provisional social worker certificate holder is a social worker certified

SENATE BILL 1005**SECTION 7**

under this chapter for purposes of any law governing social workers certified under this chapter.

(b) 1. Notwithstanding s. 457.04 (2), a provisional advanced practice social worker certificate authorizes the holder to use the title specified in s. 457.04 (2) during the period in which the certificate is valid.

2. A provisional advanced practice social worker certificate holder is an advanced practice social worker certified under this chapter for purposes of any law governing advanced practice social workers certified under this chapter.

(c) 1. Notwithstanding s. 457.04 (3), a provisional independent social worker certificate authorizes the holder to use the title specified in s. 457.04 (3) during the period in which the certificate is valid.

2. A provisional independent social worker certificate holder is an independent social worker certified under this chapter for purposes of any law governing independent social workers certified under this chapter.

(d) Notwithstanding s. 457.04 (4), a provisional clinical social worker license authorizes the holder to practice clinical social work and use the title specified in s. 457.04 (4) during the period in which the license is valid.

(3) (a) A provisional certificate or license is valid for 36 months unless a nonprovisional certificate or license is granted under s. 457.08 (6) before expiration of the provisional certificate or license or unless the provisional certificate or license is revoked before expiration.

(b) A provisional certificate or license may not be renewed.

(4) (a) During the period during which a provisional certificate or license is

SENATE BILL 1005**SECTION 7**

valid, the certificate or license holder shall work to obtain at least 37.5 hours of supervision according to the requirements of this subsection and the rules promulgated under sub. (6).

(b) 1. Twenty-five hours of supervision required by par. (a) must consist of one-on-one in-person supervision.

2. Twelve and one-half hours of supervision required by par. (a) must consist of one or more of the following types of supervision:

a. In-person, one-on-one supervision.

b. In-person group supervision. To qualify as in-person group supervision, the group must not exceed 7 members including the supervisor.

(c) The supervision required by par. (a) must be obtained during the first 2,000 hours of social work practice after the date the provisional certificate or license is granted. At least 3 hours of supervision must be obtained during every 160 hours of practice under a provisional certificate or license until a nonprovisional certificate or license is granted under s. 457.08 (6).

(d) An individual granted a provisional certificate or license shall prepare and submit, on a form provided by the department, a proposed supervision plan for meeting the supervision requirements under this subsection. The social worker section shall review the proposed supervision plan and shall, if the social worker section is satisfied with the plan, approve the supervisor and the supervision plan.

(e) 1. After being granted a provisional certificate or license under sub. (1), the provisional certificate or license holder's supervisor shall submit to the social worker section an evaluation every 6 months during the provisional certificate or

SENATE BILL 1005**SECTION 7**

license holder's first 2,000 hours of social work practice under the provisional certificate or license. The evaluation must meet the requirements established by the examining board under sub. (6).

2. a. After completion of 2,000 hours of supervised social work practice, the provisional certificate or license holder's supervisor shall submit to the social worker section a final evaluation in accordance with rules promulgated under sub. (6) and attest to the provisional certificate or license holder's ability to engage in the applicable level of practice of social work competently and ethically.

b. Notwithstanding subd. 2. a., the social worker section may accept alternative verification of supervised practice if a provisional certificate or license holder demonstrates that he or she is unable to arrange for a former supervisor to provide the required information.

(5) In addition to the grounds for discipline enumerated under s. 457.26 (2), the social worker section may take any action specified under s. 457.26 (2) (intro.) if the provisional certificate or license holder does not submit a supervision plan as required under sub. (4) (d), if the social worker section does not approve a supervisor and supervision plan as provided under sub. (4) (d), if the provisional certificate or license holder fails to comply with the supervision plan under sub. (4) (d), or if the provisional certificate or license holder otherwise fails to comply with the requirements under this section.

(6) The examining board shall, upon the advice of the social worker section, promulgate rules establishing all of the following:

SENATE BILL 1005

SECTION 7

(a) Requirements for supervision and qualifications for supervisors under sub. (4) (a) to (c).

(b) Requirements and procedures for supervision plans under sub. (4) (d), including requirements and procedures for the preparation and approval of revised supervision plans when necessary.

(c) Requirements for evaluations under sub. (4) (e).

(END)