

1 **AN ACT** *to amend* 165.85 (4) (b) 1., 440.88 (3) (a) (intro.), 441.04, 446.02 (2) (a) 1.,
2 448.05 (2), 457.09 (5) (d) and 767.405 (4); and *to create* 48.47 (9), 48.67 (2m),
3 48.981 (2s), 118.19 (15), 256.15 (6) (a) 2m., 256.15 (8) (b) 4., 440.88 (3) (bm),
4 447.04 (1) (a) 5s., 448.05 (5) (a) 3., 448.53 (1) (dm), 448.535 (1) (f), 448.78 (4m),
5 448.963 (2) (bm), 449.05 (3m), 451.04 (2) (dm), 455.04 (1) (dm), 455.04 (4) (dm),
6 457.08 (1) (bm), 457.10 (3m), 457.12 (3m), 459.24 (2) (g) and 459.24 (3) (g) of the
7 statutes; **relating to:** requiring training for certain mandated reporters of child abuse
8 and neglect and granting rule-making authority.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Reporting of Child Abuse and Child Neglect.

Current law requires members of specified professions to report suspected child abuse and neglect if they have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or if they have reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.

Under current law, the department of public instruction is required to develop and conduct training programs for specified school employees who are mandated reporters of suspected child abuse and child neglect. Current law does not otherwise require training to be provided to mandated reporters, nor does it impose any training requirements on mandated reporters.

The bill draft creates a training requirement for certain mandated reporters who are required to report suspected child abuse and neglect because of their membership in a profession for which state licensure or certification is required, or for which employment, registration, appointment, or assignment is subject to statutory qualifications. Specifically, the bill draft requires the following professionals to

complete an approved training course as a condition for their initial licensure, certification, employment, appointment, or assignment:

- Child care center licensees.
- Certain employees of child care centers, group homes, and residential care centers for children and youth.
- Teachers.
- School administrators and school district administrators.
- Law enforcement officers.
- Emergency medical technicians.
- First responders.
- Alcohol and other drug abuse counselors.
- Registered nurses.
- Chiropractors.
- Dentists.
- Physicians.
- Physician assistants.
- Physical therapists.
- Physical therapist assistants.
- Dietitians.
- Occupational therapists.
- Optometrists.
- Acupuncturists.
- Psychologists.
- Private practice school psychologists.
- Social workers.
- Marriage and family therapists.
- Professional counselors.
- Speech–language pathologists.
- Audiologists.
- Family court mediators.

The bill draft requires the department of children and families (DCF) to approve training courses for mandated reporters and directs the department to promulgate rules setting forth the criteria required for such training courses. It authorizes the department to approve training courses provided by individuals, organizations, or institutions of higher education. It requires the rules promulgated by the department to specify the required content and duration of an approved training course and the qualifications required for the providers of such training.

With the exception of rule-making requirements, the bill draft takes effect 2 years after publication.

1 **SECTION 1.** 48.47 (9) of the statutes is created to read:

2 48.47 **(9)** TRAINING FOR REPORTERS OF CHILD ABUSE AND NEGLECT. Approve training
3 courses provided by individuals, organizations, or institutions of higher education for persons
4 for whom the completion of a training course, as described in s. 48.981 (2s), is required as a
5 condition of licensure, certification, employment, appointment, or assignment.

NOTE: Adds the approval of training courses for mandated reporters to
 DCF's duties.

6 **SECTION 2.** 48.67 (2m) of the statutes is created to read:

7 48.67 **(2m)** (a) That all child care center licensees and all employees of a child care
8 center who provide care and supervision for children complete a training course approved
9 under s. 48.47 (9) before the date on which an initial license is issued or the employment
10 commences, whichever is applicable.

11 (b) That all staff members of a group home who provide care for children in the group
12 home complete a training course approved under s. 48.47 (9) prior to employment in the group
13 home.

14 (c) That all staff members of a residential care center for children and youth who provide
15 care and supervision for children complete a training course approved under s. 48.47 (9) prior
16 to employment in the residential care center.

NOTE: Requires DCF rules to require licensees and employees of child care centers who provide care and supervision for children; employees of group homes who provide care for children; and employees of residential care centers for children and youth who interact with children to complete an approved mandated reporter training course prior to the date on which the license is issued or the employment begins.

COMMENT: The child abuse reporting law requires child care providers and child care workers in a child care center, group home, or residential care center for children and youth to report suspected child abuse and neglect. Child care centers and group homes, not their individual employees, are licensed by the state. Does it make sense to impose training requirements on those employees as a condition of employment by a licensed child care center or group home?

1 **SECTION 3.** 48.981 (2s) of the statutes is created to read:

2 48.981 **(2s)** TRAINING OF MANDATED REPORTERS. The department shall promulgate rules
3 specifying criteria for training courses required to be completed by persons required to report
4 suspected child abuse and neglect under sub. (2) as a condition of licensure, certification,
5 employment, appointment, or assignment. The rules shall specify the required content and
6 duration of an approved training course and the qualifications required for the providers of
7 such training courses.

NOTE: Directs DCF to promulgate rules specifying criteria for training courses for mandated reporters.

COMMENT: This provision delegates decisions regarding the content and duration of mandated reporter training courses to DCF and requires the department to promulgate such decisions by rule. Does the provision reflect the committee's intent?

8 **SECTION 4.** 118.19 (15) of the statutes is created to read:

9 118.19 **(15)** The state superintendent may not issue an initial teaching license, school
10 district administrator's license, or school administrator's license unless the applicant has
11 completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition of an initial teaching license, a school district administrator's license, or a school administrator's license.

SECTION 5. 165.85 (4) (b) 1. of the statutes is amended to read:

165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law enforcement officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of law enforcement training approved by the board, the board determines that the person has completed a training course approved under s. 48.47 (9), and has been certified by the board as being qualified to be a law enforcement or tribal law enforcement officer. The program shall include 400 hours of training, except the program for law enforcement officers who serve as rangers for the department of natural resources includes 240 hours of training. The board shall promulgate a rule under ch. 227 providing a specific curriculum for a 400-hour conventional program and a 240-hour ranger program. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement and tribal law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement and tribal law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding 3 years. For purposes of this section, a part-time law enforcement or tribal law enforcement officer is a law enforcement or tribal law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employee of the employing agency or unit of government. Law enforcement training programs including

1 municipal, county and state programs meeting standards of the board are acceptable as
2 meeting these training requirements.

NOTE: Requires the completion of a mandatory reporter training course as a condition for appointment as a law enforcement or tribal law enforcement officer.

3 **SECTION 6.** 256.15 (6) (a) 2m. of the statutes is created to read:

4 256.15 (6) (a) 2m. Have satisfactorily completed a training course approved under s.
5 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for initial licensure as an emergency medical technician.

6 **SECTION 7.** 256.15 (8) (b) 4. of the statutes is created to read:

7 256.15 (8) (b) 4. The individual has completed a training course approved under s. 48.47
8 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition of initial certification as a first responder.

9 **SECTION 8.** 440.88 (3) (a) (intro.) of the statutes is amended to read:

10 440.88 (3) (a) (intro.) Subject to pars. (b), (bm), and (c) and except as provided in sub.
11 (3m), the department shall promulgate rules that establish minimum standards and
12 qualifications for the certification of all of the following, including substance abuse
13 counselors and clinical supervisors described under s. HFS 75.02 (11) and (84), Wis. Adm.
14 Code, in effect on December 15, 2006:

15 **SECTION 9.** 440.88 (3) (bm) of the statutes is created to read:

16 440.88 (3) (bm) Rules promulgated under par. (a) shall require alcohol or other drug
17 abuse counselors to obtain training approved under s. 48.47 (9) as a condition of initial
18 certification.

NOTE: Requires rules establishing minimum standards for certification of alcohol and other drug abuse counselors to require the completion of a mandated reporter training course as a condition of initial certification as an alcohol or other drug abuse counselor.

1 **SECTION 10.** 441.04 of the statutes is amended to read:

2 **441.04 Requisites for examination as a registered nurse.** Any person who has
3 graduated from a high school or its equivalent as determined by the board, does not have an
4 arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, has completed a
5 training course approved under s. 48.47 (9), holds a diploma of graduation from an accredited
6 school of nursing and, if the school is located outside this state, submits evidence of general
7 and professional educational qualifications comparable to those required in this state at the
8 time of graduation may apply to the department for licensure by the board as a registered nurse,
9 and upon payment of the fee specified under s. 440.05 (1) shall be entitled to examination.

NOTE: Requires the completion of a mandated reporter training course as a prerequisite for taking the examination to become a registered nurse.

10 **SECTION 11.** 446.02 (2) (a) 1. of the statutes is amended to read:

11 446.02 (2) (a) 1. The examining board shall grant a license to engage in the practice of
12 chiropractic to a qualified person who submits an application for the license to the department
13 on a form provided by the department, accompanied by satisfactory evidence of completion
14 of the educational requirements established in the rules promulgated under par. (b) and
15 satisfactory evidence of completion of a training course approved under s. 48.47 (9), passes
16 the examinations described under sub. (3) and pays the license fee specified in s. 440.05 (1).

NOTE: Requires the completion of a mandated reporter training course as a qualification for a license to practice as a chiropractor.

17 **SECTION 12.** 447.04 (1) (a) 5s. of the statutes is created to read:

18 447.04 (1) (a) 5s. Submits evidence satisfactory to the examining board that he or she
19 has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for a license to practice dentistry.

1 **SECTION 13.** 448.05 (2) of the statutes is amended to read:

2 448.05 (2) LICENSE TO PRACTICE MEDICINE AND SURGERY. An applicant for any class of
3 license to practice medicine and surgery must supply evidence satisfactory to the board that
4 the applicant is a graduate of and possesses a diploma from a medical or osteopathic college
5 approved by the board ~~and~~, has completed postgraduate training of 12 months in a facility
6 approved by the board, and has completed a training course approved under s. 48.47 (9). If
7 an applicant is a graduate of a foreign medical school which has not been approved by the
8 board, and if such applicant has had postgraduate training in this country in a 12-month
9 program approved by the board or has had other professional experience which the board
10 deems has given the applicant the education and training substantially equivalent, and if such
11 applicant has passed the examinations given by the educational council for foreign medical
12 graduates or its successors, the board may make such additional inquiry including a personal
13 interview as satisfies it that the applicant has had such education and training. If a majority
14 of the board is so satisfied, the applicant may then be admitted to examination for a license
15 to practice medicine and surgery. If an applicant is a graduate of a foreign medical school not
16 approved by the board, and such foreign medical school requires either social service or
17 internship or both of its graduates, and if such applicant has not completed such requirements
18 but has completed a 12-month supervised clinical training program under the direction of a
19 medical school approved by the board and has complied with all other requirements of this
20 subsection for graduates of foreign medical schools not approved by the board, the applicant
21 may then be admitted to examination for a license to practice medicine and surgery.

NOTE: Requires the completion of a mandated reporter training course as a qualification for a license to practice medicine and surgery.

1 **SECTION 14.** 448.05 (5) (a) 3. of the statutes is created to read:

2 448.05 (5) (a) 3. That the applicant has completed a training course approved under s.
3 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
 as a qualification for a physician assistant license.

4 **SECTION 15.** 448.53 (1) (dm) of the statutes is created to read:

5 448.53 (1) (dm) Submits evidence satisfactory to the examining board that the applicant
6 has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
 as a qualification for licensure as a physical therapist.

7 **SECTION 16.** 448.535 (1) (f) of the statutes is created to read:

8 448.535 (1) (f) Submits evidence satisfactory to the examining board that the applicant
9 has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
 as a qualification for licensure as a physical therapist assistant.

10 **SECTION 17.** 448.78 (4m) of the statutes is created to read:

11 448.78 (4m) Submits evidence satisfactory to the affiliated credentialing board that he
12 or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
 as a condition for certification as a dietitian.

13 **SECTION 18.** 448.963 (2) (bm) of the statutes is created to read:

14 448.963 (2) (bm) Submits evidence satisfactory to the affiliated credentialing board that
15 he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
 as a condition for licensure as an occupational therapist.

16 **SECTION 19.** 449.05 (3m) of the statutes is created to read:

17 449.05 (3m) The person has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a qualification for taking an examination to be licensed as an optometrist.

1 **SECTION 20.** 451.04 (2) (dm) of the statutes is created to read:

2 451.04 (2) (dm) Submits evidence satisfactory to the department that he or she has
3 completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for obtaining an acupuncturist certificate.

4 **SECTION 21.** 455.04 (1) (dm) of the statutes is created to read:

5 455.04 (1) (dm) Have completed a training course approved under s. 48.47 (9) prior to
6 initial licensure.

NOTE: Requires the completion of a mandated reporter training course as a requirement for licensure as a psychologist.

7 **SECTION 22.** 455.04 (4) (dm) of the statutes is created to read:

8 455.04 (4) (dm) Have completed a training course approved under s. 48.47 (9) prior to
9 initial licensure.

NOTE: Requires the completion of a mandated reporter training course as a condition for licensure as a private practice school psychologist.

10 **SECTION 23.** 457.08 (1) (bm) of the statutes is created to read:

11 457.08 (1) (bm) Submits evidence satisfactory to the social worker section that he or
12 she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course as a condition for obtaining a social worker certificate.

13 **SECTION 24.** 457.09 (5) (d) of the statutes is amended to read:

14 457.09 (5) (d) The social worker section shall grant a social worker certificate to an
15 individual who has held a social worker training certificate, has completed a training course

1 approved under s. 48.47 (9). and who passes the examinations specified under pars. (a) and
2 (b).

NOTE: Requires the completion of a mandated reporter training course
as a condition for obtaining a social worker certificate based on holding
a social worker training certificate and passing specified examinations.

3 **SECTION 25.** 457.10 (3m) of the statutes is created to read:

4 457.10 **(3m)** Submits evidence satisfactory to the marriage and family therapist section
5 that he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
as a condition for licensure as a marriage and family therapist.

6 **SECTION 26.** 457.12 (3m) of the statutes is created to read:

7 457.12 **(3m)** Submits evidence satisfactory to the professional counselor section that
8 he or she has completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
as a condition for licensure as a professional counselor.

9 **SECTION 27.** 459.24 (2) (g) of the statutes is created to read:

10 459.24 **(2)** (g) Submits evidence satisfactory to the examining board that he or she has
11 completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
as a condition for licensure as a speech–language pathologist.

12 **SECTION 28.** 459.24 (3) (g) of the statutes is created to read:

13 459.24 **(3)** (g) Submits evidence satisfactory to the examining board that he or she has
14 completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
as a condition for licensure as an audiologist.

15 **SECTION 29.** 767.405 (4) of the statutes is amended to read:

1 767.405 (4) MEDIATOR QUALIFICATIONS. Every mediator assigned under sub. (6) (a) shall
2 have not less than 25 hours of mediation training or not less than 3 years of professional
3 experience in dispute resolution. Every mediator assigned under sub. (6) (a) shall have
4 training on the dynamics of domestic violence and the effects of domestic violence on victims
5 of domestic violence and on children. Every mediator assigned under sub. (6) (a) shall have
6 completed a training course approved under s. 48.47 (9).

NOTE: Requires the completion of a mandated reporter training course
as a condition for assignment as a family court mediator.

COMMENT: Mediators are “assigned” rather than certified or licensed.
Does making the training requirement applicable to them reflect the
committee’s intent?

7 **SECTION 30. Nonstatutory provisions.**

8 (1) RULES; TRAINING FOR MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. The
9 department of children and families shall present the statement of scope of the rules required
10 under section 48.981 (2s), as created by this act, to the governor for approval under section
11 227.135 (2) of the statutes no later than the 60th day after the effective date of this subsection.
12 The department of children and families shall submit in proposed form the rules required
13 under section 48.981 (2s), as created by this act, to the legislative council staff as required
14 under section 227.15 (1) of the statutes no later than the 13th month beginning after the
15 governor approved the statement of scope for the rules.

16 **SECTION 31. Effective dates.** This act takes effect on the first day of the 3rd year
17 beginning after publication, except as follows:

18 (1) TRAINING AND MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. SECTIONS 1, 3,
19 and 30 of this act take effect on the day after publication.

COMMENT: Does a 2–year delay in the effective date provide adequate time to allow the promulgation of rules and to provide notice to applicants of applicable licenses and certifications?

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(END)