

Clearinghouse Rule 14-063

STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL
COUNSELING AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 1.09 and create MPSW 1.095 relating to substance abuse speciality.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 457.02(5) and (5m), Stats.

Statutory authority: ss. 15.08(5)(b) and 457.02(5m), Stats.

Explanation of agency authority:

Each board shall promulgate rules for its own guidance and the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

The board establishes the educational and supervised training requirements in rules promulgated by the board to authorize an individual who is certified or licensed by the board to treat alcohol or substance dependency or abuse as a specialty. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying for a credential under s. 440.88, Stats.

Related statute or rule:

Plain language analysis:

Section 1 repeals s. MPSW 1.09 in its entirety.

Section 2 creates the educational and supervised training requirements for a person credentialed by the board to treat alcohol or substance dependency as a speciality.

The first subsection delineates the use of the title and scope of practice. If a person who is credentialed by the board wants to treat alcohol or substance dependency or abuse as a specialty, without being credentialed under s. 440.88, the person must meet the requirements in this section.

The second subsection recognizes that a credential holder who holds a master's degree would have received education in treatment, therefore, a minimum of 135 contact hours of substance use disorder education is required to supplement that education in four subject matter areas (understanding addiction; knowledge of addiction treatment; application to addiction practice; and professional readiness in addiction treatment). The credential holder would also be required to have 200 hours of supervised face-to-face client treatment. The education could be obtained in the course of earning the master's degree or in the addition of the degree. The 200 hours of supervised training may have been obtained during or separately of the hours required to obtain the underlying credential.

The third subsection provides the requirements for a credential holder who holds a bachelor's degree would not have had the advance education. The requirements include 180 contact hours of substance use disorder education in four subject matter areas (understanding addiction; treatment knowledge; application to practice; and professional readiness) which must include specific content within each subject matter area and 1,000 hours of supervised face-to-face client substance use disorder treatment experience. The education could be obtained in the course of earning of the bachelor's degree or in addition to the degree. The 1,000 hours of supervised training may have been obtained during or separately of the hours required to obtain the underlying credential.

The fourth subsection indicates the qualifications for a person who is supervising the person obtaining the training for the speciality. The following people are qualified, provided they have knowledge in psychopharmacology and addiction treatment: a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical social worker, a licensed psychologist, a licensed physician, a clinical supervisor as defined by DHS 75.02(11) or another individual approved in advance of the training by the board.

The fifth subsection indicates that at least 6 continuing education hours in substance use disorder must be obtained during each biennial credentialing period. This continuing education may be counted toward the continuing education required for the renewal of the underlying credential.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Iowa: Iowa does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Michigan: Michigan does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Minnesota: Minnesota does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Summary of factual data and analytical methodologies:

The Board considered the requirements for qualifying for a credential under s. 440.88, Stats, *Scopes of Practice & Career Ladder for Substance Use Disorder Counseling* (September 2011) by Substance Abuse and Mental Health Services Administration and U.S. Department of Health and Human Services and the Technical Assistance Publication Series *Addiction Counseling Competencies* (March 2008) by Substance Abuse and Mental Health Services Administration.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 1.09 is repealed.

SECTION 2. MPSW 1.095 is created to read:

MPSW 1.095 Alcohol and drug counseling. (1) USE OF TITLE AND SCOPE OF PRACTICE. (a) A person credentialed by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

(b) A person who is credentialed by the board may treat alcohol or substance dependency or abuse as a specialty if the person is credentialed under s. 440.88 or satisfies the educational and supervised training requirements established in this section.

(c) Pursuant to s. SPS 161.01(3)(b), a person who is licensed by the board may provide substance use disorder counseling, treatment or prevention services within the scope of the person’s license.

(d) Any credential holder may do all of the following:

1. Prepare a client for substance dependence treatment by referral.
2. Continue to work with a client until a referral for dependence treatment is completed.
3. Continue to work with the non-AODA issues of a person who had been referred for dependence treatment.
4. Continue to treat a client who is in recovery following treatment for substance dependence.

(2) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A MASTER’S DEGREE. To be authorized to treat alcohol or substance dependency or abuse as a specialty, a credential holder who has obtained a master’s degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 135 contact hours of substance use disorder education, which may be obtained during degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction.
2. Knowledge of addiction treatment.
3. Application to addiction practice.
4. Professional readiness in addiction treatment.

(b) A minimum of 200 hours of face-to-face client treatment, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders which can be either the same as or separate from the hours obtained for the credential issued by the board.

(3) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A BACHELOR'S DEGREE. To be authorized to treat alcohol or substance dependency or abuse as a specialty, a credential holder who has obtained a bachelor's degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 180 contact hours of substance use disorder education, which may be obtained during degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction including all of the following:
 - a. Knowledge of drug use, abuse and interaction.
 - b. Understand a variety of models and theories of addiction and other problems related to substance use.
 - c. Recognize the social, political, economic, and cultural context within which addiction and substance abuse exist, including risk and resiliency factors that characterize individuals and groups and their living environments.
 - d. Describe the behavioral, psychological, physical health, and social effects of psychoactive substances on the person using and significant others.
 - e. Recognize the potential for substance use disorders to mimic a variety of medical and mental health conditions and the potential for medical and mental health conditions to coexist with addiction and substance abuse.
2. Treatment knowledge including all of the following:
 - a. Describe the philosophies, practices, policies, and outcomes of the most generally accepted and scientifically supported models of treatment, recovery, relapse prevention, and continuing care for addiction and other substance-related problems.
 - b. Recognize the importance of family, social networks, and community systems in the treatment and recovery process.
 - c. Understand the importance of research and outcome data and their application in clinical practice.
 - d. Understand the value of an interdisciplinary approach to addiction treatment.
3. Application to practice including all of the following:
 - a. Understand the established diagnostic criteria for substance use disorders, and describe treatment modalities and placement criteria within the continuum of care.
 - b. Describe a variety of helping strategies for reducing the negative effects of substance use, abuse and dependence.
 - c. Tailor helping strategies and treatment modalities to the client's stage of dependence, change, or recovery.
 - d. Provide treatment services appropriate to the personal and cultural identity and language of the client.
 - e. Adapt practice to the range of treatment settings and modalities.
 - f. Be familiar with medical and pharmacological resources in the treatment of substance use disorders.
 - g. Understand the variety of insurance and health maintenance options available and the importance of helping clients access those benefits.
 - h. Recognize that crisis may indicate an underlying substance use disorder and may be a window of opportunity for change.

- i. Understand the need for and the use of methods for measuring treatment outcome.
4. Professional readiness including all of the following:
- a. Understand diverse cultures, and incorporate the relevant needs of culturally diverse groups, as well as people with disabilities, into clinical practice.
 - b. Understand the importance of self-awareness in one's personal, professional, and cultural life.
 - c. Understand the addiction professional's obligations to adhere to ethical and behavioral standards of conduct in the helping relationship.
 - d. Understand the importance of ongoing supervision and continuing education in the delivery of client services.
 - e. Understand the obligation of the addiction professional to participate in prevention and treatment activities.
 - f. Understand and apply setting-specific policies and procedures for handling crisis or dangerous situations, including safety measures for clients and staff.
- (b) A minimum of 1,000 hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders which can be either the same as or separate from the hours obtained for the credential issued by the board.
- (4) **QUALIFIED SUPERVISORS.** A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:
- (a) A clinical supervisor as defined by DHS 75.02(11).
 - (b) A licensed marriage and family therapist.
 - (c) A licensed professional counselor.
 - (d) A licensed clinical social worker.
 - (e) A licensed psychologist.
 - (f) A licensed physician.
 - (g) An individual, other than an individual specified in par (a) through (f) who is approved in advance by the board.
- (5) **CONTINUING EDUCATION.** To maintain the authority to treat alcohol or substance dependency or abuse as a specialty, a credential holder must complete at least 6 continuing education hours during each biennial credentialing period in substance abuse disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

 (END OF TEXT OF RULE)
