



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1960/1
KP/ARG/MED/TJD:all

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 907**

February 8, 2018 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: after “counseling;” insert “providing an exemption from
3 emergency rule procedures;”.

4 **2.** Page 5, line 13: after “for” insert “graduate”.

5 **3.** Page 5, line 21: delete the material beginning with that line and ending with
6 page 6, line 2 and substitute:

7 “49.45 (29z) BUPRENORPHINE PRIOR AUTHORIZATION REVIEW. The department
8 shall review its prior authorization policy on buprenorphine-containing products
9 provided to Medical Assistance program recipients. On the first day of the 7th month
10 beginning after the effective date of this subsection ... [LRB inserts date], and every
11 6 months thereafter, the department shall submit to the standing committees of the
12 legislature with jurisdiction over health under s. 13.172 (3) a report describing the
13 department’s findings on the prior authorization policy on

1 buprenorphine-containing products and its progress on eliminating prior
2 authorization requirements for buprenorphine-containing products in populations
3 where removal of prior authorization is appropriate. The department is not required
4 to submit the report under this subsection after the date the prior authorization
5 requirement for use of buprenorphine-containing products by Medical Assistance
6 program recipients is eliminated for all appropriate populations.”.

7 **4.** Page 7, line 6: delete “department.” and substitute “department; the
8 marriage and family therapy, professional counseling, and social work examining
9 board; or other appropriate credentialing board.”.

10 **5.** Page 13, line 7: delete lines 7 to 15 and substitute:

11 **“SECTION 27m.** 457.02 (5) of the statutes is amended to read:

12 457.02 (5) Authorize any individual who is certified ~~or licensed~~ under this
13 ~~chapter s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c)~~ to use the title
14 “alcohol and drug counselor” or “chemical dependency counselor” unless the
15 individual is certified as an alcohol and drug counselor or as a chemical dependency
16 counselor through a process recognized by the department.

17 **SECTION 28m.** 457.02 (5m) of the statutes is amended to read:

18 457.02 (5m) Authorize any individual who is certified ~~or licensed~~ under this
19 ~~chapter s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c)~~ to treat alcohol or
20 substance dependency or abuse as a specialty unless the individual is a certified
21 substance abuse counselor, clinical supervisor, or prevention specialist under s.
22 440.88, or unless the individual satisfies educational and supervised training
23 requirements established in rules promulgated by the examining board. In
24 promulgating rules under this subsection, the examining board shall consider the

1 requirements for qualifying as a certified substance abuse counselor, clinical
2 supervisor, or prevention specialist under s. 440.88.

3 **SECTION 29m.** 961.385 (2) (cm) 1. (intro.) of the statutes, as created by 2015
4 Wisconsin Act 266, is amended to read:

5 961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse
6 licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b),
7 or an individual authorized under s. 457.02 (5m) to treat licensed under s. 457.08 (4),
8 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance
9 dependency or abuse as a specialty, if any of the following is applicable:”

10 **6.** Page 14, line 14: delete that line and substitute “clinical social worker,
11 marriage and family therapist, or professional counselor license granted under ch.
12 457, Stats., ~~granted by DSPS.~~”.

13 **7.** Page 14, line 21: delete “credential” and substitute “clinical social worker,
14 marriage and family therapist, or professional counselor license granted”.

15 **8.** Page 14, line 22: after “Stats.” insert “and knowledgeable in addiction
16 treatment.”.

17 **9.** Page 17, line 9: delete “treatment staff” and substitute “treatment staff a
18 counselor”.

19 **10.** Page 20, line 16: delete the material beginning with “(1) Except” and
20 ending with “an” on line 17 and substitute “An”.

21 **11.** Page 20, line 19: delete “(a)” and substitute “(1)”.

22 **12.** Page 20, line 20: delete “(b)” and substitute “(2)”.

23 **13.** Page 20, line 21: delete “(c)” and substitute “(3)”.

- 1 **14.** Page 21, line 1: delete “(d)” and substitute “**(4)**”.
- 2 **15.** Page 21, line 4: delete “1.” and substitute “(a)”.
- 3 **16.** Page 21, line 5: delete “2.” and substitute “(b)”.
- 4 **17.** Page 21, line 6: delete “3.” and substitute “(c)”.
- 5 **18.** Page 21, line 7: delete “4.” and substitute “(d)”.
- 6 **19.** Page 21, line 8: delete “5.” and substitute “(e)”.
- 7 **20.** Page 21, line 9: delete “6.” and substitute “(f)”.
- 8 **21.** Page 21, line 10: delete “7.” and substitute “(g)”.
- 9 **22.** Page 21, line 10: delete “subs. 1. to 6.” and substitute “pars. (a) to (f)”.
- 10 **23.** Page 21, line 11: delete “(e)” and substitute “**(5)**”.
- 11 **24.** Page 21, line 13: delete “(f)” and substitute “**(6)**”.
- 12 **25.** Page 21, line 17: delete “1.” and substitute “(a)”.
- 13 **26.** Page 21, line 19: delete “2.” and substitute “(b)”.
- 14 **27.** Page 21, line 22: delete “(g)” and substitute “**(7)**”.
- 15 **28.** Page 22, line 1: delete lines 1 to 5.
- 16 **29.** Page 22, line 6: delete the material beginning with “**(1) Except**” and
17 ending with “an” on line 7 and substitute “An”.
- 18 **30.** Page 22, line 9: delete “(a)” and substitute “**(1)**”.
- 19 **31.** Page 22, line 10: delete “(b)” and substitute “**(2)**”.
- 20 **32.** Page 22, line 11: delete “(c)” and substitute “**(3)**”.
- 21 **33.** Page 22, line 14: delete “(d)” and substitute “**(4)**”.

- 1 **34.** Page 22, line 15: delete “1.” and substitute “(a)”.
- 2 **35.** Page 22, line 16: delete “2.” and substitute “(b)”.
- 3 **36.** Page 22, line 19: delete “a.” and substitute “1.”.
- 4 **37.** Page 22, line 20: delete “b.” and substitute “2.”.
- 5 **38.** Page 22, line 21: delete “c.” and substitute “3.”.
- 6 **39.** Page 22, line 22: delete “d.” and substitute “4.”.
- 7 **40.** Page 22, line 23: delete “e.” and substitute “5.”.
- 8 **41.** Page 22, line 24: delete “f.” and substitute “6.”.
- 9 **42.** Page 22, line 25: delete “g.” and substitute “7.”.
- 10 **43.** Page 22, line 25: delete “subds. 2. a. to f.” and substitute “subds. 1. to 6.”.
- 11 **44.** Page 23, line 1: delete “(e)” and substitute “**(5)**”.
- 12 **45.** Page 23, line 3: delete “(f)” and substitute “**(6)**”.
- 13 **46.** Page 23, line 5: delete “(g)” and substitute “**(7)**”.
- 14 **47.** Page 23, line 10: delete “(h)” and substitute “**(8)**”.
- 15 **48.** Page 23, line 14: delete lines 14 to 18.
- 16 **49.** Page 24, line 2: delete “under ch. 457,” and substitute “licensed under s.
- 17 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.
- 18 **50.** Page 24, line 5: delete “credential under ch. 457,” and substitute “license
- 19 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.
- 20 **51.** Page 24, line 14: delete “credential under ch. 457,” and substitute “license
- 21 under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.
- 22 **52.** Page 24, line 15: delete “2 years” and substitute “at least one year”.

1 **53.** Page 24, line 17: delete the material beginning with “credential” and
2 ending with “ch. 457,” on line 18 and substitute “license under s. 457.08 (4), 457.10,
3 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.

4 **54.** Page 30, line 18: delete that line and substitute:

5 “c. A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1)
6 (d) to (f), Stats.”.

7 **55.** Page 32, line 13: delete the material beginning with “credential” and
8 ending with “457,” on line 14 and substitute “license granted under s. 457.08 (4),
9 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f),”.

10 **56.** Page 35, line 17: after that line insert:

11 “**SECTION 65m. Nonstatutory provisions.**

12 (1m) The medical examining board may use the procedure under section 227.24
13 of the statutes to promulgate rules under section 448.40 (2) (ck) and (cm) of the
14 statutes that are necessary to implement this act. Notwithstanding section 227.24
15 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
16 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
17 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
18 the examining board is not required to provide evidence that promulgating a rule
19 under this subsection as an emergency rule is necessary for the preservation of the
20 public peace, health, safety, or welfare and is not required to provide a finding of
21 emergency for a rule promulgated under this subsection.

22 (2m) The board of nursing may use the procedure under section 227.24 of the
23 statutes to promulgate rules under section 441.16 (3) (d) of the statutes that are
24 necessary to implement this act. Notwithstanding section 227.24 (1) (c) and (2) of the

1 statutes, emergency rules promulgated under this subsection remain in effect until
2 May 1, 2019, or the date on which permanent rules take effect, whichever is sooner.
3 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not
4 required to provide evidence that promulgating a rule under this subsection as an
5 emergency rule is necessary for the preservation of the public peace, health, safety,
6 or welfare and is not required to provide a finding of emergency for a rule
7 promulgated under this subsection.

8 (3m) The dentistry examining board may use the procedure under section
9 227.24 of the statutes to promulgate rules under section 447.02 (2) (k) of the statutes
10 that are necessary to implement this act. Notwithstanding section 227.24 (1) (c) and
11 (2) of the statutes, emergency rules promulgated under this subsection remain in
12 effect until May 1, 2019, or the date on which permanent rules take effect, whichever
13 is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
14 examining board is not required to provide evidence that promulgating a rule under
15 this subsection as an emergency rule is necessary for the preservation of the public
16 peace, health, safety, or welfare and is not required to provide a finding of emergency
17 for a rule promulgated under this subsection.

18 (4m) The podiatry affiliated credentialing board may use the procedure under
19 section 227.24 of the statutes to promulgate rules under section 448.665 (1) (b) of the
20 statutes that are necessary to implement this act. Notwithstanding section 227.24
21 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
22 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
23 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
24 the board is not required to provide evidence that promulgating a rule under this
25 subsection as an emergency rule is necessary for the preservation of the public peace,

1 health, safety, or welfare and is not required to provide a finding of emergency for a
2 rule promulgated under this subsection.

3 (5m) The optometry examining board may use the procedure under section
4 227.24 of the statutes to promulgate rules under section 449.06 (2m) (b) of the
5 statutes that are necessary to implement this act. Notwithstanding section 227.24
6 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection
7 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
8 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
9 the examining board is not required to provide evidence that promulgating a rule
10 under this subsection as an emergency rule is necessary for the preservation of the
11 public peace, health, safety, or welfare and is not required to provide a finding of
12 emergency for a rule promulgated under this subsection.”.

13 **57.** Page 36, line 7: after that line insert:

14 “(1m) The treatment of sections 441.16 (3) (d), 447.02 (2) (k), 447.056 (1) (intro.),
15 448.07 (1) (d), 448.13 (1) (a) 3. and (4), 448.20 (3) (c), and 448.40 (2) (ck) and (cm) of
16 the statutes, the renumbering and amendment of sections 448.665 and 449.06 (2m)
17 of the statutes, and the creation of sections 448.665 (1) (b) and 449.06 (2m) (b) of the
18 statutes take effect on the first day of the 10th month beginning after publication.”.

19 (END)