



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa2043/1  
KP/ARG/MED/TJD:all

**SENATE AMENDMENT 1,  
TO SENATE BILL 767**

February 9, 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)