

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

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IN THE MATTER OF RULE-MAKING : 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 04-044)

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ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to renumber MPSW 1.02 (1); to renumber and amend MPSW 1.09; and to create MPSW 1.02 (1), (2d) and (2h), 1.09 (1) (b) to (d), and (2) to (5), relating to alcohol and drug counseling.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.02 (5m), Stats.

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

2001 Wisconsin Act 80 set out new requirements for the practice of alcohol or substance dependency or abuse by licensees of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board. This rule change implements the legislative mandate in 2001 Wisconsin Act 80. A person credentialed by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board may practice and use the title “alcohol and drug counselor” or “chemical dependency counselor” if certified as an alcohol and drug counselor or a chemical dependency counselor through a process recognized by the Department of Health and Family Services. A person credentialed by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board who treats alcohol or substance dependency or abuse in a certified clinic under Chapter HFS 75 must hold a credential issued by the Wisconsin Certification Board.

In order to treat persons with a DSM diagnosis of substance dependence, to treat the substance dependence issues of a person with a dual diagnosis, to advertise themselves as an AODA specialist, or be identified in an employed position as an AODA specialist, a marriage and family therapist, professional counselor or social worker who is not credentialed by the Wisconsin Certification Board and who is working outside of a chapter HFS 75 clinic must satisfy the qualifications in s. MPSW 1.09 (2). A credential holder may refer and continue to work with that client until the referral is completed. The credential holder may work with the non-AODA

issues of the client that is being referred and may treat the client who is in recovery, following treatment for substance dependence.

The credential holder must show evidence of the qualifications in order to be authorized by the board to treat alcohol, substance dependence or abuse as a specialty.

The credential holder must satisfy all of the requirements that are administered by the Department of Health and Family Services or a designee pursuant to the interagency agreement reached with the Department of Regulation and Licensing upon verification of these requirements by the credential holder. The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board notifies the credential holder and a record is kept at the Department of Regulation and Licensing that the credential holder has authority to treat alcohol or substance dependence or abuse as a specialty.

A list is provided of the categories of individuals that are qualified to provide face-to-face supervision, and authorizes practice under supervision by marriage and family therapists, professional counselors and social workers while obtaining the necessary experience.

Persons who treat alcohol, substance dependency or abuse as a specialty are required to obtain at least 10 continuing education hours in alcohol, substance dependency or abuse education during each biennial credentialing period. Up to 18 hours may be used against the required biennial continuing education for credential renewal.

Summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

Experience: Three (3) years of full-time supervised experience or 6,000 hours of supervised experience as an alcoholism and/or drug abuse counselor.

Supervision: The supervision must be provided by a licensed or certified practitioner.

Education: Two-hundred seventy (270) contact hours of education and training in alcoholism, and/or drug abuse or related training. These hours can be in the form of formal education, in-service training, and professional development courses.

Continuing education: Requirement is at least 40-60 hours of continuing education units (CEU) during each two year period.

Testing: A passing score on a national test is a requirement. The test establishes a national standard that must be met to practice.

A comparison of similar rules in adjacent states.

Minnesota – Experience: Eight-hundred eighty (880) clock hours of supervised alcohol and drug counseling practicum. Education: An associate degree, or an equivalent number of credit hours, and a certificate in alcohol and drug counseling, including 18 semester credits or 270 clock hours of academic course work from an accredited school or educational program. Continuing education: N/A. Testing: Complete a written case presentation and satisfactorily pass an oral and written examination by the commissioner.

Iowa, Illinois and Michigan: A search produced no certification requirements.

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TEXT OF RULE

SECTION 1. MPSW 1.02 (1) is renumbered MPSW 1.02 (1g).

SECTION 2. MPSW 1.02 (1) is created to read:

MPSW 1.02 (1) “AODA” means alcohol or other drug abuse.

SECTION 3. MPSW 1.02 (2d) and (2h) are created to read:

MPSW 1.02 (2d) “DSM” means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

(2h) “ICRC” means the international certification reciprocity consortium.

SECTION 4. MPSW 1.09 is renumbered MPSW 1.09 (1) (a) and as renumbered is amended to read:

**MPSW 1.09 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 of health and family services. ~~A person credentialed by the board may treat alcohol or substance dependency or abuse as a specialty only if he or she is certified as a substance abuse counselor under s. HFS 75.02 (84).~~

SECTION 5. MPSW 1.09 (1) (b) to (d) and (2) to (5) are created to read:

MPSW 1.09 (1) (b) A person credentialed by the board who treats alcohol or substance dependency or abuse in a clinic certified under ch. HFS 75, shall be a substance abuse counselor as defined in s. HFS 75.02 (84).

(c) A person credentialed by the board may treat alcohol or substance dependency or abuse as a specialty under s. 457.02 (5m), Stats., only if he or she is qualified to do so by education, training and experience. In order to treat persons with a DSM diagnosis of substance dependence, to treat the substance dependence issues of a person with a dual diagnosis, to advertise as an AODA specialist, or to be employed in a position identified as an

AODA specialist, a person credentialed by the board who provides services in a setting other than a clinic certified under ch. HFS 75, must either be certified as a substance abuse counselor under s. HFS 75.02 (84), or must be authorized by the board to treat alcohol or substance dependence or abuse as a specialty after satisfying all of the requirements in sub. (2).

(d) Any credential holder may prepare a client for substance dependence treatment by referral, may continue to work with a client until a referral for dependence treatment is completed, may continue to work with the non-AODA issues of a person who had been referred for dependence treatment, and may continue to treat a client who is in recovery following treatment for substance dependence.

(2) QUALIFICATIONS. To be authorized by the board to treat alcohol or substance dependence or abuse as a specialty, a person credentialed by the board must submit evidence of all of the following:

(a) Successful passage of the ICRC written counselor certification examination.

(b) At least 1,000 hours of face-to-face client counseling experience, supervised by an individual defined in sub. (4), with individuals diagnosed with substance use disorders, which can be either the same as or separate from the hours for initial licensure.

(c) One-hundred and eighty (180) contact hours of AODA-relevant education, including at least 45 hours of education in psychopharmacology, across the following 4 knowledge domains, further defined in the U.S. department of health and human services technical assistance publication series number 21 (TAP-21):

1. 'Understanding addiction.' a. Understand a variety of models and theories of addiction and other problems related to substance abuse.

b. 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.

c. Describe the behavioral, psychological, physical health, and social effects of psychoactive substances on the user and significant others.

d. Recognize the potential for substance use disorders to mimic a variety of medical and psychological disorders and the potential for medical and psychological disorders to co-exist with addiction and substance abuse.

2. 'Treatment knowledge.' 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.' 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 knowledgeable in 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.' 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 as well as treatment.

f. Understand and apply setting-specific policies and procedures for handling crises or dangerous situations, including safety measures for clients and staff.

Note: Copies of TAP-21 may be obtained from the Wisconsin Certification Board, 10930 W. Potter Road, Suite B., Wauwatosa, WI 53226-3450.

(3) VERIFICATION AND AUTHORIZATION. (a) Verification that a credential holder satisfies the requirements of sub. (2) shall be administered by the department of health and family services or its designee pursuant to an interagency agreement or other contractual arrangement with the department.

(b) Upon verification by the department of health and family services or its designee that a credential holder satisfies the requirements of sub. (2), the board shall notify the credential holder and record the credential holder's authority to treat alcohol or substance dependency or abuse as a specialty.

(4) QUALIFIED SUPERVISORS. (a) For purposes of sub. (2) (b), any of the following may supervise face-to-face client counseling experience by credential holders:

1. A supervisor qualified under s. HFS 75.02 (11).
2. Any of the following, if knowledgeable in psychopharmacology and addiction treatment:

a. A licensed marriage and family therapist.

b. A licensed professional counselor.

c. A licensed clinical social worker.

d. A licensed psychologist.

e. A licensed physician.

(b) To maintain his or her qualification to supervise face-to-face counseling experience by credential holders, a supervisor must complete at least 10 continuing education hours in psychopharmacology or substance abuse treatment during each biennial credentialing period.

(c) A credential holder acquiring supervised experience to satisfy sub. (2) (b), may practice under the supervision of an individual qualified in par. (a).

(5) CONTINUING EDUCATION. To maintain his or her authority to treat alcohol or substance dependency or abuse as a specialty, a credential holder must complete at least 10 continuing education hours in alcohol or substance dependency or abuse education during each biennial credentialing period, and will be eligible for credit against the required biennial continuing education requirement for credential renewal for up to 18 hours in alcohol or substance dependency or abuse education.

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Marriage and Family Therapy,  
Professional Counseling and  
Social Work Examining Board

FISCAL ESTIMATE

The rule will require the department to develop a certification form and mail the form to qualified credential holders. The rule will require the department to keep a record of certifications.

This rule will have \$4,346 impact on the department's operations.

Printing and distributing the rule changes will cost \$500. Developing the certification form will take 15 hours of Program Manager time at \$36 per hour including fringe, and 15 hours of Program Assistant time at \$17 per hour including fringe, for total program staff time of \$795.

Mailing each form will cost \$.50, so if the department mails 500 forms the cost will be \$250.

Changes to IT systems to record and track the certifications will cost 80 hours of programmer time at \$35 per hour including fringe, for a total IT cost of \$2,800.

PRIVATE SECTOR FISCAL IMPACT

The department has determined that this rule has no significant fiscal effect on the private sector.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

MPSW 1.09 CR04-044 (AODA) Final for Adoption 10-18-04