

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

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 EMERGENCY RULES

The statement of scope for this rule, SS 056-18, was approved by the Governor on May 18, 2018, published in Register 749B on May 29, 2018, and approved by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board on July 24, 2018.

This emergency rule was approved by the Governor on November 27, 2018.

ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to create MPSW 1.09 relating to substance use disorder specialty authorization.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

2017 Act 262, section 34 repealed MPSW 1.09 of the administrative code. Assembly Bill 907, as introduced, initially included a repeal of s. 457.02 (5) and (5m) and the repeal of MPSW 1.09, as MPSW 1.09 was promulgated under the authority of s. 457.02 (5m). However, a subsequent amendment to the bill reinserted and amended s. 457.02 (5) and (5m) but did not reinsert MPSW 1.09. Assembly Bill 907 passed with these amendments to become 2017 Act 262. 2017 Act 262 authorizes individuals certified under chapter 457 to treat substance use disorder as a specialty if the individual satisfies the educational and supervised training requirements established in rules promulgated by the examining board. Therefore, the board needs to establish the educational and supervised training requirements for those who specialize in treating substance use disorder in order to fully implement 2017 Act 262.

In recognition of Wisconsin experiencing the opioid epidemic and with a shortage of individuals to treat substance use disorders, the board finds it necessary to promulgate emergency rules to preserve the public health, safety, and welfare.

ANALYSIS

Statutes interpreted: ss. 440.88 and 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. [s. 15.08 (5) (b), Stats.]

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. [s. 457.02 (5m), Stats.]

Related statute or rule: chs. SPS 160 to 168

Plain language analysis:

This rulemaking order creates the educational and supervised training requirements for a person certified by the board to treat alcohol or substance dependency as a specialty. The board utilizes the DSM V term substance use disorder rather than the previous DSM IV terms of dependence and abuse.

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

The second subsection recognizes that a credential holder who holds an advanced practice social worker credential 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 be obtained during or separately from the hours required to obtain the underlying credential. An advanced practice social worker certification is utilized while obtaining supervised experience hours for the clinical social worker license. Therefore, it is a similar credential to the professional counselor-in-training and marriage and family therapist-in-training licenses. Under 2017 Act 262 the two training licenses are not required to hold a specialty authorization or additional credential.

The third subsection provides the requirements for the remaining credentials certified under ch. 457, Stats. The requirements include 360 contact hours of substance use disorder education. The education must include assessment training, counseling training, case management, patient education, professional responsibility, and boundaries and ethics. The education could be obtained in the course of earning of the bachelor's degree or in addition to the degree. In addition, the individual must complete a minimum of 3,000 hours of face-to-face substance use disorder treatment experience. The 3,000 hours of supervised training may have been obtained during or separately from 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 specialty. 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 SPS 160.02 (7), or another individual approved in advance of the supervising 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 social worker to obtain specified education or training to specialize in substance use disorder treatment.

Iowa: Iowa does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.

Michigan: Michigan does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.

Minnesota: Minnesota does not have requirements for a 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.

Fiscal Estimate:

These rules will not have a fiscal impact.

Effect on small business:

These 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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@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 Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 29, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 1.09 is created to read:

MPSW 1.09 (1) USE OF TITLE AND SCOPE OF PRACTICE (a) A person certified by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if he or she is credentialed as a substance abuse counselor under s. 440.88, Stats. or satisfies the educational and supervised training requirements established in this section.

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

(c) A person certified by the board may do all of the following:

1. Prepare a client for substance use disorder treatment by referral.
2. Continue to work with the non substance use disorder issues of a person who has been referred for substance use disorder treatment.
3. Continue to treat a client who is in recovery following treatment for substance use disorder.

(2) SPECIALTY REQUIREMENTS FOR INDIVIDUALS CERTIFIED AS AN ADVANCED PRACTICE SOCIAL WORKER. To be authorized to treat substance use disorder as a specialty an advanced practice social worker shall meet all of the following:

(a) A minimum of 135 contact hours in substance use disorder education, which may be obtained within the master’s degree or additional to the master’s degree. The education shall contain all of the following topics:

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 with individuals diagnosed with substance use disorders, under the supervision of a qualified supervisor.

(3) SPECIALTY REQUIREMENTS FOR INDIVIDUALS CERTIFIED BY THE BOARD OTHER THAN AS ADVANCED PRACTICE SOCIAL WORKERS. To be authorized to treat substance use disorder as a specialty an individual certified under ss. 457.08 (1) or (3), 457.09 (1) or 457.14 (1) (a) or (c) shall meet all of the following:

(a) A minimum of 360 contact hours of substance use disorder education, which may be obtained within the bachelor or master’s degree or in addition to the bachelor or master’s degree. The education shall be in all of the following:

1. Sixty hours in assessment training.
2. Sixty hours in counseling training.
3. Sixty hours in case management.
4. Sixty hours in patient education.
5. Sixty hours in professional responsibility.
6. Six hours in boundaries and ethics.
7. Fifty-four hours in electives in any of the subjects in subd. 1. to 6.

(b) A minimum of 3,000 of hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders. The supervised hours 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 s. SPS 160.02 (7).

- (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 pars. (a) to (f) who is approved in advance by the board.

(5) CONTINUING EDUCATION. To maintain the authority to treat substance use disorder, an individual certified by the board must complete at least 6 continuing education hours during each biennial credentialing period in substance use disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)

Dated December 17, 2018

Agency /s/ Bridget Ellingboe
Chair

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