



## 2005 SENATE BILL 673

March 23, 2006 - Introduced by Senators ROESSLER, HARS DORF, CARPENTER, BROWN, DARLING, KANAVAS, KEDZIE, SCHULTZ and ZIEN, cosponsored by Representatives KREUSER, FIELDS, NELSON, SEIDEL, HEBL, LEHMAN and BERCEAU. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1     **AN ACT to repeal** 440.75 (3) (a) 4.; **to renumber and amend** 440.75 (1) (a),  
2           440.75 (1) (b), 440.75 (3) (a) 1., 440.75 (3) (a) 2., 440.75 (3) (a) 3., 440.75 (3) (a)  
3           7. and 440.75 (4); **to amend** 440.08 (2) (a) 9m., 457.02 (5) and 457.02 (5m); **to**  
4           **create** 440.88 (1) (am), 440.88 (3) (a) 4m., 440.88 (3) (a) 8., 440.88 (9), 440.88  
5           (10) and 440.88 (11) of the statutes; and **to affect** 2005 Wisconsin Act 25, section  
6           9121 (12s) (a) 1. to 6. and 2005 Wisconsin Act 25, section 9421 (10q); **relating**  
7           **to:** certification of substance abuse counselors, clinical supervisors, and  
8           prevention specialists and requiring the exercise of rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current law, as affected by 2005 Wisconsin Act 25 (the biennial budget act), the Department of Regulation and Licensing (DORL) is in 2006 required to promulgate rules that establish minimum standards and qualifications for the certification of clinical supervisors, substance abuse counselors, and prevention specialists and to certify individuals who meet the applicable standards and qualifications. Numerous subcategories of certification exist within the categories of clinical supervisors, substance abuse counselors, and prevention specialists.

Effective December 15, 2006, this bill modifies the titles of some of the subcategories of clinical supervisors, substance abuse counselors, and prevention

**SENATE BILL 673**

specialists, creates the subcategory of prevention specialist-in-training, and limits renewals of certification for clinical supervisors-in-training, substance abuse counselors-in-training, and prevention specialists-in-training.

The bill authorizes DORL to establish a minimum number of hours of continuing education to be required for certification renewal and continuing educational topic areas. The bill also authorizes DORL to require continuing education as part of any disciplinary process for an individual. However, the bill requires DORL to establish criteria for approval of continuing education programs and courses and for approval of sponsors and cosponsors of the programs and courses and to approve programs and courses in accordance with these criteria.

The bill requires DORL to promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision, and prevention.

Lastly, the bill clarifies the effective date for provisions concerning certification of clinical supervisors, substance abuse counselors, and prevention specialists enacted under the biennial budget act.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 440.08 (2) (a) 9m. of the statutes, as created by 2005 Wisconsin Act  
2 25, is amended to read:

3           440.08 (2) (a) 9m. Substance abuse counselor, clinical supervisor, or prevention  
4 specialist: except as limited in s. 440.88 (4), March 1 of each odd-numbered year;  
5 \$70.

6           **SECTION 2.** 440.75 (1) (a) of the statutes, as created by 2005 Wisconsin Act 25,  
7 is renumbered 440.88 (1) (a) and amended to read:

8           440.88 (1) (a) “Clinical supervisor” means a basic clinical supervisor  
9 supervisor-in-training, an intermediate clinical supervisor, or an independent  
10 clinical supervisor.

11           **SECTION 3.** 440.75 (1) (b) of the statutes, as created by 2005 Wisconsin Act 25,  
12 is renumbered 440.88 (1) (b) and amended to read:

**SENATE BILL 673**

1           440.88 (1) (b) “Substance abuse counselor” means a ~~basic~~ substance abuse  
2 counselor, ~~an intermediate~~ counselor-in-training, a substance abuse counselor, or  
3 ~~an independent~~ a clinical substance abuse counselor.

4           **SECTION 4.** 440.75 (3) (a) 1. of the statutes, as created by 2005 Wisconsin Act  
5 25, is renumbered 440.88 (3) (a) 1. and amended to read:

6           440.88 (3) (a) 1.     ~~Basic—substance~~ Substance abuse counselors  
7 counselors-in-training.

8           **SECTION 5.** 440.75 (3) (a) 2. of the statutes, as created by 2005 Wisconsin Act  
9 25, is renumbered 440.88 (3) (a) 2. and amended to read:

10          440.88 (3) (a) 2. ~~Intermediate substance~~ Substance abuse counselors.

11          **SECTION 6.** 440.75 (3) (a) 3. of the statutes, as created by 2005 Wisconsin Act  
12 25, is renumbered 440.88 (3) (a) 3. and amended to read:

13          440.88 (3) (a) 3. ~~Independent~~ Clinical substance abuse counselors.

14          **SECTION 7.** 440.75 (3) (a) 4. of the statutes, as created by 2005 Wisconsin Act  
15 25, is repealed.

16          **SECTION 8.** 440.75 (3) (a) 7. of the statutes, as created by 2005 Wisconsin Act  
17 25, is renumbered 440.88 (3) (a) 7. and amended to read:

18          440.88 (3) (a) 7. Prevention specialists specialists-in-training.

19          **SECTION 9.** 440.75 (4) of the statutes, as created by 2005 Wisconsin Act 25, is  
20 renumbered 440.88 (4) and amended to read:

21          440.88 (4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification  
22 as a substance abuse counselor, clinical supervisor, or prevention specialist under  
23 this section shall be made on a form provided by the department and filed with the  
24 department and shall be accompanied by the fee specified in s. 440.05 (1). The  
25 renewal date and renewal fee for certification as a substance abuse counselor, clinical

**SENATE BILL 673****SECTION 9**

1 supervisor, or prevention specialist are specified under s. 440.08 (2) (a). Renewal of  
2 certification as a substance abuse counselor-in-training, a clinical  
3 supervisor-in-training, or a prevention specialist-in-training may be made only  
4 twice.

5 **SECTION 10.** 440.88 (1) (am) of the statutes is created to read:

6 440.88 (1) (am) “Prevention specialist” means a prevention  
7 specialist-in-training or a prevention specialist.

8 **SECTION 11.** 440.88 (3) (a) 4m. of the statutes is created to read:

9 440.88 (3) (a) 4m. Clinical supervisors-in-training.

10 **SECTION 12.** 440.88 (3) (a) 8. of the statutes is created to read:

11 440.88 (3) (a) 8. Prevention specialists.

12 **SECTION 13.** 440.88 (9) of the statutes is created to read:

13 440.88 (9) CONTINUING EDUCATION. The department may do all of the following:

14 (a) Establish the minimum number of hours of continuing education required  
15 for renewal of certification under this section and the topic areas that the continuing  
16 education must cover.

17 (b) Require continuing education as part of any disciplinary process for an  
18 individual.

19 **SECTION 14.** 440.88 (10) of the statutes is created to read:

20 440.88 (10) CONTINUING EDUCATION COURSE APPROVAL. The department shall  
21 establish the criteria for the approval of continuing education programs and courses  
22 required for renewal of certification of a substance abuse counselor, clinical  
23 supervisor, or prevention specialist and the criteria for the approval of the sponsors  
24 and cosponsors of those continuing education programs and courses. The

**SENATE BILL 673**

1 department shall approve continuing education programs and courses in accordance  
2 with the criteria established under this subsection.

3 **SECTION 15.** 440.88 (11) of the statutes is created to read:

4 440.88 (11) SCOPE OF PRACTICE. The department shall promulgate rules  
5 establishing minimum standards for the practice of substance abuse counseling,  
6 supervision, and prevention.

7 **SECTION 16.** 457.02 (5) of the statutes is amended to read:

8 457.02 (5) Authorize any individual who is certified or licensed under this  
9 chapter to use the title “alcohol and drug counselor” or “chemical dependency  
10 counselor” unless the individual is certified as an alcohol and drug counselor or as  
11 a chemical dependency counselor through a process recognized by the department  
12 of ~~health and family services~~.

13 **SECTION 17.** 457.02 (5m) of the statutes, as affected by 2005 Wisconsin Act 25,  
14 is amended to read:

15 457.02 (5m) Authorize any individual who is certified or licensed under this  
16 chapter to treat alcohol or substance dependency or abuse as a specialty unless the  
17 individual is a certified substance abuse counselor, clinical supervisor, or prevention  
18 specialist under s. ~~440.75~~ 440.88, or unless the individual satisfies educational and  
19 supervised training requirements established in rules promulgated by the  
20 examining board. In promulgating rules under this subsection, the examining board  
21 shall consider the requirements for qualifying as a certified substance abuse  
22 counselor, clinical supervisor, or prevention specialist under s. ~~440.75~~ 440.88.

23 **SECTION 18.** 2005 Wisconsin Act 25, section 9121 (12s) (a) 1. to 6. is amended  
24 to read:

**SENATE BILL 673****SECTION 18**

1 [2005 Wisconsin Act 25] Section 9121 (12s) (a) 1. If certified as a registered  
2 alcohol and drug counselor I, certified as a basic substance abuse counselor  
3 counselor-in-training.

4 2. If certified as a certified alcohol and drug counselor II, as a certified alcohol  
5 and drug counselor, or as a certified alcohol and drug counselor-D, certified as an  
6 intermediate a substance abuse counselor.

7 3. If certified as a certified alcohol and drug counselor III ~~or as a certified alcohol~~  
8 ~~and drug counselor-D~~, certified as an ~~independent~~ a clinical substance abuse  
9 counselor.

10 4. If certified as a registered clinical supervisor, certified as a basic clinical  
11 ~~supervisor~~ supervisor-in-training.

12 5. If certified as a certified clinical supervisor I or as a certified clinical  
13 supervisor-G, certified as an intermediate clinical supervisor.

14 6. If certified as a certified clinical supervisor II ~~or certified clinical~~  
15 ~~supervisor-G~~, certified as an independent clinical supervisor.

16 **SECTION 19.** 2005 Wisconsin Act 25, section 9421 (10q) is amended to read:

17 [2005 Wisconsin Act 25] Section 9421 (10q) TRANSFER OF ALCOHOL AND OTHER  
18 DRUG ABUSE COUNSELOR CERTIFICATION. The treatment of sections 440.03 (13) (b) 5m.,  
19 440.08 (2) (a) 9m., and 457.02 (5m) and subchapter VII of chapter 440 of the statutes  
20 and SECTIONS 9121 (12s) and 9321 (8q) of this act take effect on December 15, 2006.

21 **SECTION 20. Nonstatutory provisions.**

22 (1) TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION. An individual  
23 who was certified as a registered prevention worker under the requirements of  
24 section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before

**SENATE BILL 673**

1 July 27, 2005, is certified as a prevention specialist-in-training under section 440.88  
2 of the statutes, as affected by this act.

3 **SECTION 21. Effective date.**

4 (1) This act takes effect on December 15, 2006.

5 (END)