



## 2021 ASSEMBLY BILL 686

November 12, 2021 - Introduced by Representatives SNYDER, KERKMAN, MILROY, SPIROS, DUCHOW, CONSIDINE, ANDRACA, ROZAR, VRUWINK, OHNSTAD, WICHGERS, SUBECK, DITTRICH, LOUDENBECK, PLUMER, BOWEN and STUBBS, cosponsored by Senators KOOYENGA, BERNIER and BALLWEG. Referred to Committee on Substance Abuse and Prevention.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

- 1     **AN ACT to amend** 440.88 (3m), 457.02 (5), 457.02 (5m) and 961.385 (2) (cm) 1.  
2             (intro.) of the statutes; **relating to:** advanced practice social workers and  
3             independent social workers treating substance use disorder as a specialty.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, an advanced practice social worker or independent social worker may treat substance use disorder as a specialty without obtaining a certification from the Department of Safety and Professional Services or satisfying educational and supervised training requirements established by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. Under current law, to treat substance use disorder as a specialty, an advanced practice social worker or independent social worker is required to obtain a certification from DSPS or satisfy educational and supervised training requirements established by the board.

The bill also allows an advanced practice social worker or independent social worker to represent himself or herself as a substance abuse counselor without obtaining a substance abuse counselor certification from DSPS. Current law requires an advanced practice social worker or independent social worker to obtain a substance abuse counselor certification in order to represent himself or herself as a substance abuse counselor.

**ASSEMBLY BILL 686**

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.** 440.88 (3m) of the statutes, as affected by 2021 Wisconsin Act 22,  
2 is amended to read:

3           440.88 **(3m)** EXCEPTION. This section does not apply to a physician, as defined  
4 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), an independent  
5 social worker, as defined in s. 457.01 (2g), an advanced practice social worker, as  
6 defined in s. 457.01 (1c), a psychologist licensed under s. 455.04 (1) or (2), a marriage  
7 and family therapist, as defined in s. 457.01 (3), or a professional counselor, as  
8 defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or  
9 provides substance abuse counseling, treatment, or prevention services within the  
10 scope of his or her licensure credential.

11           **SECTION 2.** 457.02 (5) of the statutes is amended to read:

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

17           **SECTION 3.** 457.02 (5m) of the statutes is amended to read:

18           457.02 **(5m)** Authorize any individual who is certified under s. 457.08 (1), ~~(2),~~  
19 ~~or (3)~~, 457.09 (1), or 457.14 (1) (a) to (c) to treat substance use disorder as a specialty  
20 unless the individual is a certified substance abuse counselor, clinical supervisor, or  
21 prevention specialist under s. 440.88, or unless the individual satisfies educational

**ASSEMBLY BILL 686**

1 and supervised training requirements established in rules promulgated by the  
2 examining board. In promulgating rules under this subsection, the examining board  
3 shall consider the requirements for qualifying as a certified substance abuse  
4 counselor, clinical supervisor, or prevention specialist under s. 440.88.

5 **SECTION 4.** 961.385 (2) (cm) 1. (intro.) of the statutes is amended to read:

6 961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse  
7 licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b),  
8 or an individual licensed holding a credential under s. 457.08 (2), (3), or (4), 457.10,  
9 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance  
10 dependency or abuse as a specialty, if any of the following is applicable:

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(END)