



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5591/1  
MED:skw

## 2023 SENATE BILL 1005

February 7, 2024 - Introduced by Senators CARPENTER and BALLWEG, cosponsored by Representatives GUSTAFSON, MOORE OMOKUNDE, BALDEH, CONSIDINE, EMERSON, JOERS, SINICKI, SNODGRASS, STUBBS, SUBECK, HAYWOOD and VINING. Referred to Committee on Licensing, Constitution and Federalism.

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

1     **AN ACT to amend** 440.08 (2) (a) (intro.), 457.08 (1) (intro.), 457.08 (2) (intro.),  
2             457.08 (3) (intro.) and 457.08 (4) (intro.); and **to create** 457.08 (6) and 457.085  
3             of the statutes; **relating to:** provisional social worker certificates and licenses.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from using the title “social worker” without holding a social worker certificate, and similarly prohibits the use of other titles corresponding to higher levels of social work practice without a corresponding credential for that level of social work practice. Those higher levels of social work practice include advanced practice social work, independent social work, and clinical social work. Current law further prohibits the practice of clinical social work without a clinical social worker license. Current law specifies requirements for obtaining these social worker credentials, all of which include a requirement of passage of an examination.

This bill provides for an alternative pathway to obtain a social work credential without passage of a national examination. Under the bill, an individual who has taken the examination corresponding to a particular category of social work credential and has not passed the examination, but who otherwise satisfies the requirements for the credential, may obtain a provisional credential. With the provisional credential, the individual is allowed to practice the corresponding level of social work, may use the corresponding title, and is considered to be that level of social worker, but the individual must obtain at least three hours of supervision during every 160 hours of practice, in accordance with the bill and rules promulgated

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by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board and subject to periodic evaluation. Upon successful completion of the supervised practice requirement, the individual must receive a final evaluation and may obtain a corresponding nonprovisional social worker credential without passage of the examination.

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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) (intro.) of the statutes is amended to read:

2           440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
3           444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18 (2) (e), 455.06  
4           (1) (b), 457.085 (3), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal  
5           dates for credentials are as follows:

6           **SECTION 2.** 457.08 (1) (intro.) of the statutes is amended to read:

7           457.08 (1) SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall  
8           grant a social worker certificate to an individual who qualifies under sub. (6) (a) or  
9           s. 457.09 (5) (d) or to any individual who does all of the following:

10          **SECTION 3.** 457.08 (2) (intro.) of the statutes is amended to read:

11          457.08 (2) ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE. (intro.) The social  
12          worker section shall grant an advanced practice social worker certificate to any an  
13          individual who qualifies under sub. (6) (b) or to an individual who is certified under  
14          sub. (1) and does all of the following:

15          **SECTION 4.** 457.08 (3) (intro.) of the statutes is amended to read:

16          457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The social worker  
17          section shall grant an independent social worker certificate to any an individual who  
18          qualifies under sub. (6) (c) or to an individual who is certified under sub. (1) and does  
19          all of the following:

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1           **SECTION 5.** 457.08 (4) (intro.) of the statutes is amended to read:

2           457.08 (4) CLINICAL SOCIAL WORKER LICENSE. (intro.) The social worker section  
3 shall grant a clinical social worker license to ~~any~~ an individual who qualifies under  
4 sub. (6) (d) or to an individual who is certified under sub. (1) and does all of the  
5 following:

6           **SECTION 6.** 457.08 (6) of the statutes is created to read:

7           457.08 (6) CERTIFICATE OR LICENSE BASED ON PROVISIONAL CERTIFICATE OR LICENSE.

8           (a) Upon satisfaction of the requirements in s. 457.06, the social worker section shall  
9 grant a social worker certificate to an individual who has held a provisional social  
10 worker certificate and whose completion of supervised practice has been verified  
11 under s. 457.085 (4) (e) 2.

12           (b) Upon satisfaction of the requirements in s. 457.06, the social worker section  
13 shall grant an advanced practice social worker certificate to an individual who has  
14 held a provisional advanced practice social worker certificate and whose completion  
15 of supervised practice has been verified under s. 457.085 (4) (e) 2.

16           (c) Upon satisfaction of the requirements in s. 457.06, the social worker section  
17 shall grant an independent social worker certificate to an individual who has held  
18 a provisional independent social worker certificate and whose completion of  
19 supervised practice has been verified under s. 457.085 (4) (e) 2.

20           (d) Upon satisfaction of the requirements in s. 457.06, the social worker section  
21 shall grant a clinical social worker license to an individual who has held a provisional  
22 clinical social worker license and whose completion of supervised practice has been  
23 verified under s. 457.085 (4) (e) 2.

24           **SECTION 7.** 457.085 of the statutes is created to read:

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1           **457.085 Provisional social worker certificates and licenses.** (1) The  
2 social worker section shall grant a provisional social worker certificate, provisional  
3 advanced practice social worker certificate, provisional independent social worker  
4 certificate, or provisional clinical social worker license, as applicable, to any  
5 individual who does all of the following:

6           (a) Submits an application for the provisional certificate or license to the  
7 department on a form provided by the department.

8           (b) Pays the fee specified in s. 440.05 (6).

9           (c) Has taken the applicable national social work examination required under  
10 s. 457.08 (1) (c), (2) (c), (3) (d), or (4) (d) and not passed the examination.

11           (d) Otherwise satisfies the requirements under s. 457.08 (1), (2), (3), or (4),  
12 whichever is applicable with respect to the category of social work certificate or  
13 license for which the applicant is applying.

14           (e) Has taken and passed an examination approved by the social worker section  
15 that tests knowledge of state law relating to social work, if required under s. 457.08  
16 (1) (c), (2) (c), (3) (d), or (4) (d).

17           **(2)** (a) 1. Notwithstanding s. 457.04 (1), a provisional social worker certificate  
18 authorizes the holder to use the title specified in s. 457.04 (1) during the period in  
19 which the certificate is valid.

20           2. A provisional social worker certificate holder is a social worker certified  
21 under this chapter for purposes of any law governing social workers certified under  
22 this chapter.

23           (b) 1. Notwithstanding s. 457.04 (2), a provisional advanced practice social  
24 worker certificate authorizes the holder to use the title specified in s. 457.04 (2)  
25 during the period in which the certificate is valid.

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1           2. A provisional advanced practice social worker certificate holder is an  
2 advanced practice social worker certified under this chapter for purposes of any law  
3 governing advanced practice social workers certified under this chapter.

4           (c) 1. Notwithstanding s. 457.04 (3), a provisional independent social worker  
5 certificate authorizes the holder to use the title specified in s. 457.04 (3) during the  
6 period in which the certificate is valid.

7           2. A provisional independent social worker certificate holder is an independent  
8 social worker certified under this chapter for purposes of any law governing  
9 independent social workers certified under this chapter.

10          (d) Notwithstanding s. 457.04 (4), a provisional clinical social worker license  
11 authorizes the holder to practice clinical social work and use the title specified in s.  
12 457.04 (4) during the period in which the license is valid.

13          **(3)** (a) A provisional certificate or license is valid for 36 months unless a  
14 nonprovisional certificate or license is granted under s. 457.08 (6) before expiration  
15 of the provisional certificate or license or unless the provisional certificate or license  
16 is revoked before expiration.

17          (b) A provisional certificate or license may not be renewed.

18          **(4)** (a) During the period during which a provisional certificate or license is  
19 valid, the certificate or license holder shall work to obtain at least 37.5 hours of  
20 supervision according to the requirements of this subsection and the rules  
21 promulgated under sub. (6).

22          (b) 1. Twenty-five hours of supervision required by par. (a) must consist of  
23 one-on-one in-person supervision.

24          2. Twelve and one-half hours of supervision required by par. (a) must consist  
25 of one or more of the following types of supervision:

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1 a. In-person, one-on-one supervision.

2 b. In-person group supervision. To qualify as in-person group supervision, the  
3 group must not exceed 7 members including the supervisor.

4 (c) The supervision required by par. (a) must be obtained during the first 2,000  
5 hours of social work practice after the date the provisional certificate or license is  
6 granted. At least 3 hours of supervision must be obtained during every 160 hours  
7 of practice under a provisional certificate or license until a nonprovisional certificate  
8 or license is granted under s. 457.08 (6).

9 (d) An individual granted a provisional certificate or license shall prepare and  
10 submit, on a form provided by the department, a proposed supervision plan for  
11 meeting the supervision requirements under this subsection. The social worker  
12 section shall review the proposed supervision plan and shall, if the social worker  
13 section is satisfied with the plan, approve the supervisor and the supervision plan.

14 (e) 1. After being granted a provisional certificate or license under sub. (1), the  
15 provisional certificate or license holder's supervisor shall submit to the social worker  
16 section an evaluation every 6 months during the provisional certificate or license  
17 holder's first 2,000 hours of social work practice under the provisional certificate or  
18 license. The evaluation must meet the requirements established by the examining  
19 board under sub. (6).

20 2. a. After completion of 2,000 hours of supervised social work practice, the  
21 provisional certificate or license holder's supervisor shall submit to the social worker  
22 section a final evaluation in accordance with rules promulgated under sub. (6) and  
23 attest to the provisional certificate or license holder's ability to engage in the  
24 applicable level of practice of social work competently and ethically.

