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Scott Walker, Governor
Dave Ross, Secretary

**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL
COUNSELING AND SOCIAL WORK EXAMINING BOARD**
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Sharon Henes (608) 261-2377
December 19, 2014
10:30 A.M.

Public Hearing on Administrative Rule CR 14-063 repealing MPSW 1.09 and creating 1.095, relating to substance abuse specialty.

ALL HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed in conjunction with hearings are approximate and depend on the length of discussion and testimony. In order to confirm a hearing or to request a complete copy of rules relating to this hearing, please call the listed contact person. All hearings are held at 1400 East Washington Avenue; Madison Wisconsin, unless otherwise noted. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

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

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE :
MARRIAGE AND FAMILY THERAPY, : NOTICE OF PUBLIC HEARING
PROFESSIONAL COUNSELING AND :
SOCIAL WORK EXAMINING BOARD :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in ss. 15.08(5)(b) and 457.02(5m), Stats. and interpreting s. 457.02(5) and (5m), Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal MPSW 1.09 and create MPSW 1.095 relating to substance abuse specialty.

Hearing Date, Time and Location

Date: December 19, 2014
Time: 10:30 a.m.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 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.

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.

Related statute or rule: N/A**Plain language analysis:**

Section 1 repeals s. MPSW 1.09 in its entirety.

Section 2 creates the educational and supervised training requirements for a person credentialed by the board to treat alcohol or substance dependency as a specialty.

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

The second subsection recognizes that a credential holder who holds a master's degree 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 have been obtained during or separately of the hours required to obtain the underlying credential.

The third subsection provides the requirements for a credential holder who holds a bachelor's degree would not have had the advance education. The requirements include 180 contact hours of substance use disorder education in four subject matter areas (understanding addiction; treatment knowledge; application to practice; and professional readiness) which must include specific content within each subject matter area and 1,000 hours of supervised face-to-face client substance use disorder treatment experience. The education could be obtained in the course of earning of the bachelor's degree or in addition to the degree. The 1,000 hours of supervised training may have been obtained during or separately of 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 DHS 75.02(11) or another individual approved in advance of the training 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 marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Iowa: Iowa does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Michigan: Michigan does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

Minnesota: Minnesota does not have requirements for a marriage and family therapist, professional counselor or 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.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

In preparation of the EIA, the rule was posted for economic comments for a period of 14 days and received no comments. The Board determines there is no effect on small business.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary:

These proposed 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@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, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on December 19, 2014 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 1.09 is repealed.

SECTION 2. MPSW 1.095 is created to read:

MPSW 1.095 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.

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

(c) Pursuant to s. SPS 161.01(3)(b), a person who is licensed by the board may provide substance use disorder counseling, treatment or prevention services within the scope of the person’s license.

(d) Any credential holder may do all of the following:

1. Prepare a client for substance dependence treatment by referral.
2. Continue to work with a client until a referral for dependence treatment is completed.

3. Continue to work with the non–AODA issues of a person who had been referred for dependence treatment.
4. Continue to treat a client who is in recovery following treatment for substance dependence.

(2) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A MASTER’S DEGREE. To be authorized to treat alcohol or substance dependency or abuse as a specialty, a credential holder who has obtained a master’s degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 135 contact hours of substance use disorder education, which may be obtained during degree or additional to the degree. The education shall be in all the following areas:

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, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders which can be either the same as or separate from the hours obtained for the credential issued by the board.

(3) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A BACHELOR’S DEGREE. To be authorized to treat alcohol or substance dependency or abuse as a specialty, a credential holder who has obtained a bachelor’s degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 180 contact hours of substance use disorder education, which may be obtained during degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction including all of the following:
 - a. Knowledge of drug use, abuse and interaction.
 - b. Understand a variety of models and theories of addiction and other problems related to substance use.
 - c. 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.
 - d. Describe the behavioral, psychological, physical health, and social effects of psychoactive substances on the person using and significant others.
 - e. Recognize the potential for substance use disorders to mimic a variety of medical and mental health conditions and the potential for medical and mental health conditions to coexist with addiction and substance abuse.
2. Treatment knowledge including all of the following:
 - 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 including all of the following:
 - 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 familiar with 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 including all of the following:
 - 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 and treatment activities.
 - f. Understand and apply setting-specific policies and procedures for handling crisis or dangerous situations, including safety measures for clients and staff.
- (b) A minimum of 1,000 hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders which 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 DHS 75.02(11).
 - (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 par (a) through (f) who is approved in advance by the board.

(5) CONTINUING EDUCATION. To maintain the authority to treat alcohol or substance dependency or abuse as a specialty, a credential holder must complete at least 6 continuing education hours during each biennial credentialing period in substance abuse disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Sharon.Henes@wisconsin.gov.