



**SUBSTANCE ABUSE COUNSELOR CERTIFICATION
REVIEW COMMITTEE**

Room 121B, 1400 E. Washington Avenue, Madison
Contact: Dan Williams (608) 266-2112
March 22, 2017

Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of actions and deliberation of the Board.

9:00 A.M.

AGENDA

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. Adoption of the Agenda (1)**
- B. Administrative Matters – Discussion and Consideration**
 - 1) Staff Updates
 - 2) Committee Members
 - a. Deborah Bilzing – Lakeland University
 - b. Peter Fabian – Marriage and Family Therapy, Professional Counseling and Social Work Examining Board
 - c. Jessica Geschke – Affiliated Clinical Services
 - d. Lorie Goeser – Department of Health Services
 - e. April Hameau – Northcentral Technical College
 - f. Sandra Hardie – Mahala’s Hope
 - g. Kathryn Ihus – American Mental Health Counselors Association
 - h. Michael Waupoose – UW Health Madison
- C. Legislative and Administrative Rule Matters – Discussion and Consideration (2-17)**
 - 1) SPS 160-168, Relating to Substance Abuse Counselors, Clinical Supervisors and Prevention Specialists
 - 2) Update on Legislation and Pending or Possible Rulemaking Projects
- D. Information Item(s)**
- E. Committee Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration**
- F. Committee Training Review – Public Records and Ethics and Lobbying – Discussion and Consideration (18-23)**
- G. Public Comments**

ADJOURNMENT

[NOTE: This document contains content currently in SPS 160-168 and is a reorganization of the chapters for discussion purposes. This should not be considered a proposed draft from the Department. UPDATE TO NOTE: This document does contain recommendations from the discussion at the February 15, 2017 meeting of the Substance Abuse Counselors Certification Review Committee meeting.]

SPS 161.01 Applicability (1) Chapters SPS 160 to 168 do not apply to any of the following:

- (a) A physician as defined in s. 448.01 (5), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment or prevention services within the scope of his or her licensure.
- (b) A clinical social worker as defined in s. 457.01 (1r), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment or prevention services within the scope of his or her licensure.
- (c) A licensed psychologist, as defined in s. 455.01 (4), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.
- (d) A person credentialed under ch. 457, Stats. with the specialty authorization of s. MPSW 1.09.
- (e) The preparation of a patient for substance use disorder treatment by referral, the treatment of a patient for substance use disorder until a referral for substance use disorder treatment is completed, and the continuation of treatment with the non-substance use disorder issues of a person, when performed by a mental health provider practicing within the scope of their credential.

Substance Abuse Counselor-In-Training. An applicant for certification as a substance abuse counselor-in-training shall submit all of the following:

- (1) An application.
- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) [~~OPTION: Evidence of a high school diploma, an HSED or GED~~ OR keep requirement]
- (4) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.
- (5) Evidence of completion of 100 hours of substance use disorder specialized education through a postsecondary institution, approved continuing education or approved education program. The 100 hours shall be in the transdisciplinary foundations as follows:

Content Area	Hours
Assessment Training	15
Counseling	15
Case Management	10
Education	15
Professional Responsibility	20
Electives within the performance domains listed above	25
Total	100

- (6) Evidence of current employment, a written offer of employment, internship, practicum or an agreement authorizing volunteer hours at an agency providing substance use disorder treatment.

(7) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.

Substance Abuse Counselor. (1) Except as provided in sub. (2), an applicant for certification as a substance abuse counselor shall submit all of the following:

- (a) An application.
- (b) The fee established by the department under s. 440.05 (1), Stats.
- (c) [OPTION: Evidence of a high school diploma, an HSED or GED OR associate degree.]
- (d) Evidence of successful passage of the ~~International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written counselor examination~~ National Association of Alcoholism Counselors and Trainers examination [NOTE: exact exam tbd]
- (e) Evidence of completion of 360 hours of specialized substance abuse education ~~in from a comprehensive department approved program approved by the department or postsecondary institution as follows in the following content area:~~

Content Area	Hours
Assessment Training	60
Counseling	60
Case Management	60
Education	60
Professional Responsibility	60
Electives within the performance domains listed above	60
Total	360

(f) Evidence of completion of ~~4,000~~ 3,000 hours of work experience performing the practice dimensions, supervised by an individual defined in s. SPS 162.02 (1), within 5 years immediately preceding the date of application. ~~Experience in excess of 40 hours per week or 2,000 hours per year does not count in meeting the experience requirement.~~ The ~~4,000~~ 3,000 hours shall include all of the following:

- 1. ~~Two thousand hours in performing the practice dimensions with patients who have a primary substance use disorder diagnosis.~~
- 2. One thousand hours ~~in~~ providing substance use disorder counseling with at least 500 hours in a one-on-one individual modality setting.
- 3. A minimum of 200 hours of providing counseling during the 12 month period immediately preceding the date of application, of which 100 hours shall have been completed using an individual modality setting.

(g) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.

(h) Evidence of successful passage of a jurisprudence exam unless the jurisprudence examination was passed in the process of obtaining a substance abuse counselor-in-training credential.

(2) An applicant for certification as a substance abuse counselor who is ~~previously~~ credentialed by the marriage and family therapy, professional counseling and social work examining board at

a bachelor's level or higher shall submit evidence satisfactory to the department of fulfilling the requirements of s. MPSW 1.09.

Clinical Substance Abuse Counselor. (1) Except as provided in sub. (2), an applicant for certification as a clinical substance abuse counselor shall submit all of the following:

- (a) An application.
- (b) The fee established by the department under s. 440.05 (1), Stats.
- (c) ~~Evidence of a high school diploma, an HSED or GED.~~
- (d) ~~Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written counselor examination National Association of Alcoholism Counselors and Trainers examination [NOTE: exact exam tbd].~~
- (e) Evidence of completion of 360 hours of specialized education in a comprehensive program approved by the department as follows one of the following:

- 1. Holds a substance abuse counselor credential.
- 2. Evidence of completion of 360 hours of specialized substance abuse education from a department approved program or postsecondary institution in the following content area:

Content Area	Hours
Assessment Training	60
Counseling	60
Case Management	60
Education	60
Professional Responsibility	60
Electives within the performance domains listed above	60
Total	360

(f) Evidence of an associate's, ~~bachelor's, master's or doctoral~~ degree or higher in a behavioral science field from an accredited school.

(g) Evidence of completion of ~~7,000~~ 5,000 hours of work experience performing the practice dimensions, supervised by an individual defined in s. SPS 162.02 (1), within 5 years immediately preceding the date of application. ~~Experience in excess of 40 hours per week or 2,000 hours per year does not count in meeting the experience requirement.~~ The 5,000 hours may include any work experience hours obtained as a requirement of the substance abuse counselor credential.

(h) Evidence of successful passage of a jurisprudence examination unless the jurisprudence examination was passed in the process of obtaining a different substance abuse counselor credential.

(i) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.

(2) An applicant for certification as a substance abuse counselor who is previously credentialed by the marriage and family therapy, professional counseling and social work examining board at the master's level or higher shall submit evidence satisfactory to the department of fulfilling the requirements of s. MPSW 1.09.

Clinical Supervisor-In-Training. An applicant for certification as a clinical supervisor-in-training shall submit all of the following:

- (1) An application.

- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) Evidence of current employment, a written offer of employment or an agreement authorizing volunteer hours at an agency providing substance use disorder treatment service as a clinical supervisor of counselors certified under this section or under s. MPSW 1.09.
- ~~(4) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.~~
- (5) Evidence of current certification of one of the following:
 - (a) A clinical substance abuse counselor.
 - (b) A professional counselor, marriage and family therapist or social worker holding a credential under ch. 457, Stats., at the master's level or higher with the specialty authorization of a MPSW 1.09.
- ~~(6) Evidence of completion of 7,000 hours of work experience performing the practice dimensions, supervised by an individual defined in s. SPS 162.02 (1), within 5 years immediately preceding the date of application. The 2,000 hours shall include 200 hours in direct, in person substance use disorder patient counseling. Experience in excess of 40 hours per week or 2,000 hours per year does not count in meeting the experience requirement.~~

Intermediate Clinical Supervisor. An applicant for certification as an intermediate clinical supervisor shall submit all of the following:

- (1) An application.
- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) Evidence of current certification of one of the following:
 - (a) A clinical substance abuse counselor.
 - (b) A professional counselor, marriage and family therapist or social worker holding a credential under ch. 457, Stats., at the master's level or higher with the specialty authorization of a MPSW 1.09.
- (4) Verification of one year of clinical supervisory experience as a clinical supervisor in training within the last five years supervised by an intermediate clinical supervisor, an independent clinical supervisor or a physician or psychologist who practices as a substance abuse clinical supervisor within the scope of his or her licensure. This one year shall be supervising counselors certified under s. 440.88, Stats. or have the specialty authorization under s. MPSW 1.09 and shall include a minimum of 200 contact hours of in person clinical supervision.
~~Verification of one year clinical supervisory experience as the supervisor of counselors certified under this section or under s. MPSW 1.09. Clinical supervisory experience shall be supervised by an intermediate clinical supervisor, an independent clinical supervisor, a physician, or a psychologist who practices as a substance abuse clinical supervisor within the scope of his or her license. This one year shall include the provision of 200 contact hours of in person clinical supervision.~~
- ~~(5) Verification of completion of 2,000 hours of work experience performing the practice dimensions, supervised by an individual defined in s. SPS 162.02 (1), within 5 years immediately preceding the date of application. The 2,000 hours shall include 200 hours in direct, in person substance use disorder patient counseling. Experience in excess of 40 hours per week or 2,000 hours per year does not count in meeting the experience requirement.~~
- (6) Verification of 30 hours of ~~classroom~~ training in clinical supervision. This shall include a minimum of 6 hours of training in each of the following domains:
 - (a) Assessment or evaluation.

- (b) Counselor development.
 - (c) Management or administration.
 - (d) Professional responsibility.
- (7) Evidence of successful passage of the ~~International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written clinical supervisor certification examination~~ National Association of Alcoholism Counselors and Trainers examination [NOTE: exact exam tbd]
- ~~(8) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.~~

Independent Clinical Supervisor. An applicant for certification as an independent clinical supervisor shall submit all of the following:

- (1) An application.
- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) Evidence of current certification of one of the following:
 - (a) A clinical substance abuse counselor.
 - (b) A professional counselor, marriage and family therapist or social worker holding a credential under ch. 457, Stats., at the master's level or higher with the specialty authorization of a MPSW 1.09.
- (4) Verification of 2 years clinical supervisory experience as a supervisor in training or intermediate supervisor within the last five years as the supervisor of counselors certified under this section s. 440.88, Stats. or have the specialty authorization under s. MPSW 1.09. ~~Clinical supervisory experience shall be supervised by an intermediate clinical supervisor, an independent clinical supervisor, a physician, or a psychologist who practices as a substance abuse clinical supervisor within the scope of his or her license. These two year shall include the provision of 200 contact hours of in person clinical supervision.~~
- ~~(5) Verification of completion of 10,000 hours of work experience performing the practice dimensions, supervised by an individual defined in s. SPS 162.02 (1), within 5 years immediately preceding the date of application. This experience shall include 2,000 hours of patient counseling experience performing the practice dimensions as a clinical substance abuse counselor and 200 hours in direct, in person substance use disorder patient counseling. Experience in excess of 40 hours per week or 2,000 hours per year does not count in meeting the experience requirement.~~
- (6) Verification Evidence of one of the following:
 - (a) Holds an intermediate clinical supervisor credential.
 - (b) 30 hours of classroom training in clinical supervision. This shall include a minimum of 6 hours of training in each of the following domains:
 - 1. Assessment or evaluation.
 - 2. Counselor development.
 - 3. Management or administration.
 - 4. Professional responsibility.
- (7) Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written clinical supervisor certification examination. [new exam]
- ~~(8) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.~~

Prevention Specialist-In-Training. An application for certification as a prevention specialist-in-training shall submit all of the following:

- (1) An application.
- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) Evidence of a high school diploma, an HSED or GED.
- (4) Verification of 40 hours of approved education and training covering the prevention domains. At least 5 hours shall be in ethics.

Prevention Specialist. An application for certification as a prevention specialist shall submit all of the following:

- (1) An application.
- (2) The fee established by the department under s. 440.05 (1), Stats.
- (3) Evidence of a high school diploma, an HSED or GED.
- (4) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.
- (5) Evidence of completion of 240 hours of approved education and training covering the prevention domains. Fifty hours of this training shall be specific to alcohol, tobacco or other substance abuse. At least 6 hours shall be in ethics.
- (6) Verification of a 120 hours practicum in the prevention domain areas with no less than 10 hours in any prevention domain area.
- (7) Verification of 2,000 hours of work experience as a prevention specialist-in-training with a minimum of 100 hours of the experience in each prevention domain.
- (8) Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written prevention specialist certification examination.

~~**Educational equivalencies—substance abuse counselor and intermediate clinical supervisor.** Successful completion of education resulting in a degree in a behavioral science field with an addiction emphasis or a concentration in clinical counseling from an accredited school may be used to satisfy, in part, the experience requirement. The possession of the following levels of the degrees may be exchanged for experience at the following rate:~~

- ~~(1) An associate degree equals 500 hours of supervised experience.~~
- ~~(2) A bachelor degree equals 1,000 hours of supervised experience.~~
- ~~(3) A master or doctoral degree equals 2,000 hours of supervised experience.~~

~~**Educational equivalencies—clinical substance abuse counselor and independent clinical supervisor.** Successful completion of education resulting in a degree in a behavioral science field with an addiction emphasis or concentration in clinical counseling from an accredited school may be used to satisfy, in part, the experience requirement. The possession of the following levels of the degrees shall be exchanged for experience at the following rate:~~

- ~~(1) An associate degree equals 1,000 hours of supervised experience.~~
- ~~(2) A bachelor degree equals 2,000 hours of supervised experience.~~
- ~~(3) A master or doctoral degree equals 4,000 hours of supervised experience.~~

Certification by reciprocity

(1) Applicants who hold a credential substantially similar to a clinical substance abuse counselor who are credentialed in another state or territory that is a member of the International Certification Reciprocity Consortium shall submit all the following:

- (a) An application.
- (b) The fee established by the department under s. 440.05 (1), Stats.
- (c) Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written counselor examination.
- (d) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.
- (e) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.
- (f) Verification of the applicant's eligibility for reciprocity by the International Certification Reciprocity Consortium.
- (g) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

(2) Applicants who hold a credential substantially similar to a independent clinical supervisor who are credentialed in another state or territory that is a member of the International Certification Reciprocity Consortium shall submit all the following:

- (a) An application.
- (b) The fee established by the department under s. 440.05 (1), Stats.
- (c) Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse written clinical supervisor certification examination.
- (d) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.
- (e) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.
- (f) Verification of the applicant's eligibility for reciprocity by the International Certification Reciprocity Consortium.
- (g) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.
- (h) Evidence of holding a valid current certification as a clinical substance abuse counselor in Wisconsin or concurrently submits an application which satisfies the requirements for clinical substance abuse counselor reciprocity.

(3) Applicants who hold a credential substantially similar to a prevention specialty issued by another state or territory that is a member of the International Certification Reciprocity Consortium shall submit all the following:

- (a) An application.
- (b) The fee established by the department under s. 440.05 (1), Stats.

- (c) Evidence of successful passage of the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse prevention specialist certification examination.
- (d) Evidence of successful passage of an ethics, boundaries and jurisprudence examination developed or approved by the department.
- (e) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance use disorder counseling.
- (f) Verification of the applicant's eligibility for reciprocity by the International Certification Reciprocity Consortium.
- (g) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

SPS 162.01 Required supervision. (1) SUBSTANCE ABUSE COUNSELORS. (a) Clinical supervision for a person obtaining a substance abuse counselor-in-training, substance abuse counselor or clinical substance abuse counselor credential may be provided by a clinical supervisor-in-training, an intermediate or independent clinical supervisor, a physician knowledgeable in addiction treatment, or a psychologist knowledgeable in psychopharmacology and addiction treatment.

(b) ~~{OPTION: Notwithstanding sub. (1), a clinical supervisor in training may not provide clinical supervision for an individual holding a substance abuse counselor in training certificate~~ OR Keep requirement OR set a percentage of substance abuse counselor-in-trainings which may be supervised by a clinical supervisor-in-training.]

(c) Clinical supervisors shall exercise supervisory responsibility over substance abuse counselors-in-training, substance abuse counselors, and clinical substance abuse counselors, ~~clinical supervisors in training~~ in regard to all activities including, ~~but not limited to~~, counselor development, counselor skill assessment and performance evaluation, staff management and administration, and professional responsibility. The clinical supervision hourly requirement may be averaged out over a period no longer than one month. A clinical supervisor shall provide a minimum of:

1. Two hours of clinical supervision for every 40 hours of work performed by a substance abuse counselor-in-training.
2. ~~Two~~ One hours of clinical supervision for every 40 hours of counseling provided by a substance abuse counselor.
3. One hour of clinical supervision for every 40 hours of counseling provided by a clinical substance abuse counselor.
4. One in person meeting or by distance via a video each calendar month with a substance abuse counselor-in-training, substance abuse counselor or clinical substance abuse counselor. This meeting may fulfill a part of the requirements of pars. (a) to (c).

(d) The required clinical supervision shall include in person individual or group sessions consisting of no more than 6 supervisees per group. ~~The clinical supervision hourly requirement may be averaged out over a period no longer than one month.~~

(e) Methods for supervision may include, but are not limited to, auditing of patient files, case review and discussion of active cases, direct observation of treatment, video or audio review and observation of the counselor's professional interaction with patients and staff.

(f) The goals of clinical supervision are to provide the opportunity to develop competency in the transdisciplinary foundations, practice dimensions and core functions, provide a context for professional growth and development and ensure a continuance of quality patient care.

(g) The supervisor shall not permit a supervisee to engage in any practice that the supervisee is not competent to perform. The supervisor shall not permit a supervisee to engage in any practice that the supervisor cannot competently supervise.

(h) A supervisor is legally and ethically responsible for the supervised activities of the substance use disorder professional supervisee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship, if necessary.

(2) CLINICAL SUPERVISOR. (a) Supervision for a person obtaining a clinical supervisor-in-training may be provided by an intermediate clinical supervisor, an independent clinical supervisor or a physician or psychologist who practices as a substance abuse clinical supervisor within the scope of his or her licensure.

(b) Clinical supervisors shall exercise supervisory responsibility over clinical supervisors-in-training in regard to all activities. A clinical supervisor shall provide a minimum of one hour of clinical supervision for every 40 hours of work performed by a clinical supervisor-in-training.

SPS 162.03 Prohibited practice. (1) A clinical supervisor may not permit students, employees, or supervisees to perform or hold themselves out as competent to perform professional services beyond their training, level of experience, competence or credential.

(2) Clinical supervisors may not disclose supervisee confidences, except:

(a) As mandated by law.

(b) To prevent a clear and immediate danger to a person or persons.

(c) In educational or training settings where there are multiple supervisors, and then only to other professional colleagues who share responsibility for training of the supervisee.

SPS 163.02 Substance abuse counselor-in-training; limited scope of practice. (1) A substance abuse counselor-in-training may provide services in any of the core functions, except counseling, if authorized by the clinical supervisor.

(2) A clinical supervisor may only authorize a substance abuse counselor-in-training to provide counseling after the substance abuse counselor-in-training has completed 300 hours of supervised training or supervised work experience in the core functions.

SPS 164.01 Unprofessional conduct. (1) For the purposes of this chapter:

(a) "Department" means the department of safety and professional services.

(b) "Substance abuse professional" means the holder of any license, permit, certificate, or registration issued by the department pursuant to s. 440.88, Stats., or issued by the Wisconsin certification board.

(2) Unprofessional conduct comprises any practice or behavior that violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public. Misconduct or unprofessional conduct includes the following:

(a) Submitting fraudulent, deceptive, or misleading information in conjunction with an application for a credential.

(b) Violating, or aiding and abetting a violation of, any law or rule substantially related to practice as a substance abuse professional. A certified copy of a judgment of conviction is prima facie evidence of a violation.

(c) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice as a substance abuse professional, which the granting jurisdiction limits, restricts, suspends, or revokes, or having been subject to other adverse action by a licensing authority, any state agency or an agency of the federal government, including the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct. A certified copy of a state or federal final agency decision is prima facie evidence of a violation of this provision.

(d) Failing to notify the department that a license, certificate or registration for the practice of any profession issued to the substance abuse professional has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(e) Violating or attempting to violate any term, provision, or condition of any order of the department.

(f) Performing or offering to perform services for which the substance abuse professional is not qualified by education, training or experience.

(g) Practicing or attempting to practice while the substance abuse professional is impaired as a result of any illness that impairs the substance abuse professional's ability to appropriately carry out his or her professional functions in a manner consistent with the safety of patients or the public.

(h) Using alcohol or any drug to an extent that such use impairs the ability of the substance abuse professional to safely or reliably practice, or practicing or attempting to practice while the substance abuse professional is impaired due to the utilization of alcohol or other drugs.

(i) Engaging in false, fraudulent, misleading or deceptive behavior associated with the practice as a substance abuse professional, including advertising, billing practices, or reporting or falsifying or inappropriately altering patient records.

(j) Discriminating in practice on the basis of age, race, color, sex, religion, creed, national origin, ancestry, disability or sexual orientation.

(k) Revealing to other personnel not engaged in the care of a patient or to members of the public information which concerns a patient's condition unless release of the information is authorized by the patient or required or authorized by law. This provision

shall not be construed to prevent a credential holder from cooperating with the department in the investigation of complaints.

(L) Abusing a patient by any single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury, mental anguish, or fear.

(m) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult shall continue to be a patient for 2 years after the termination of professional services. If the person receiving services is a minor, the person shall continue to be a patient for the purposes of this subsection for 2 years after termination of services, or for one year after the patient reaches age 18, whichever is longer.

(n) Failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest.

(o) Obtaining or attempting to obtain anything of value from a patient without the patient's consent.

(p) Obtaining or attempting to obtain any compensation by fraud, misrepresentation, deceit or undue influence in the course of practice.

(q) Offering, giving or receiving commissions, rebates or any other forms of remuneration for a patient referral.

(r) Failing to provide the patient or patient's authorized representative a reasonable description of anticipated tests, consultation, reports, fees, billing, therapeutic regimen or schedule, or failing to inform a patient of financial interests which might accrue to the substance abuse professional for referral to or for any use of service, product or publication.

(s) Failing to conduct an assessment, evaluation, or diagnosis as a basis for treatment provided.

(t) Failing to maintain adequate records relating to services provided a patient in the course of a professional relationship.

(u) Failing to make reasonable efforts to notify a patient or a patient's authorized representative when professional services will be interrupted or terminated by the substance abuse professional.

(v) Engaging in a single act of gross negligence or in a pattern of negligence as a substance abuse professional.

(w) Failing to respond honestly and in a timely manner to a request for information from the department. Taking longer than 30 days to respond to a department request creates a rebuttable presumption that the response is not timely.

(x) Failing to report to the department or to institutional supervisory personnel any violation of the rules of this chapter by a substance abuse professional.

165.01 Credential renewal procedures (1) GENERAL. A person with an expired license may not reapply for a license using the initial application process.

(2) RENEWAL WITHIN 5 YEARS. A person renewing the license within 5 years shall do all of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.

(b) Verification of completion of the continuing education required under s. SPS 168.

(3) RENEWAL AFTER 5 YEARS. This subsection does not apply to credential holders who have unmet disciplinary requirements. A person renewing the license after 5 years shall do all of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and late renewal fee.

(b) Verification of completion of the continuing education required under s. SPS 168.

165.02 Reinstatement. A credential holder who has unmet disciplinary requirements and failed to renew the license within 5 years or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(1) Evidence of completion of the requirements in s. SPS 165.01 (3) if the credential has not been active within 5 years.

(2) Evidence of completion of the disciplinary requirements, if applicable.

(3) Evidence of rehabilitation of change of circumstances warranting reinstatement.

Continuing education. (1) A credential holder shall complete at least the following continuing education hours in alcohol or substance dependency or abuse education during each biennial credentialing period:

- (a) Substance abuse counselor-in-training — 40 hours.
- (b) Substance abuse counselor — 40 hours.
- (c) Clinical substance abuse counselor — 40 hours.
- (d) Clinical supervisor-in-training — 6 hours
- (e) Intermediate clinical supervisor — 6 hours
- (f) Independent clinical supervisor — 6 hours
- (g) Prevention specialist-in-training — 25 hours.
- (h) Prevention specialist — 40 hours.

(2) Continuing education hours may apply only to the registration period in which the hours are acquired. If a credential has lapsed, the department may allow continuing education hours acquired after the lapse of a credential to a previous biennial period of license. In no case may continuing education hours be applied to more than one biennial period.

(3) During the time between initial credentialing and commencement of a full 2-year credential period new credential holders shall not be required to meet continuing education requirements.

(4) A credential holder may apply to the department for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other grounds constituting extreme hardship. The department shall consider each application individually on its merits.

(5) Continuing education programs, relevant to the practice of substance use disorder counseling, are approved as follows:

- (a) Continuing education programs approved, sponsored, provided, endorsed or authorized by:

[list associations or organizations which offer approved continuing education.]

- (b) Courses or continuing education courses offered by an accredited college or university.

SPS 166.10 Continuing education credit and format. A continuing education program may take any of the following forms, with credit for relevant subject matter granted as follows:

(1) Formal presentations of relevant professional material at seminars, workshops, programs or institutes, which may include formal presentation and directed discussion of videotaped material: 1 CEH per hour of continuing education for attendees, 2 CEHs per hour of continuing education for presenters, but no additional CEHs may be granted for subsequent presentations of the same material.

(2) University, college or vocational technical adult education courses, which may include formal presentation and directed discussion of videotaped instruction: 10 CEHs per semester credit or 6.6 CEHs per quarter credit for students, 20 CEHs per semester hour or 13.2 CEHs per quarter hour for instructors, but no additional CEHs may be granted for subsequent presentations of the same material.

(3) Educational sessions at state and national conferences: 1 CEH per hour of continuing education for students; 2 CEHs per hour of continuing education for presenters, but no additional CEHs may be granted for subsequent presentations of the same material.

(4) Internet learning courses offered by an accredited college or university: 10 CEHs per semester credit or 6.6 CEHs per quarter credit.

(5) Self-study courses approved by accredited college or university schools, local or national professional or mental health related organizations, 1 CEH per credit completed, but self-study courses may not be used to satisfy the ethics requirement.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams, Executive Director		2) Date When Request Submitted: 03/16/2017	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: All Boards, Committees, Councils and Sections			
4) Meeting Date: 03/22/17	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Committee Training Review – Public Records and Ethics and Lobbying – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please review the materials previously emailed, and included herein, in preparation for discussion at the meeting. <ul style="list-style-type: none"> 1) Public Records and Ethics and Lobbying Training <ul style="list-style-type: none"> i. Email from 3/1/17 ii. Wisconsin Public Records Law Basics iii. DSPPS Public Records Information iv. Ethics and Lobbying Law One Pager 			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Wood, Kimberly - DSPS

From: Wood, Kimberly - DSPS
Sent: Wednesday, March 01, 2017 3:27 PM
To: Boullion, James - DSPS
Cc: Lewin, Brittany - DSPS; Ryan, Thomas - DSPS; Williams, Dan - DSPS; Zadrzil, Chad J - DSPS
Subject: Completion Reminder: Public Records and Ethics and Lobbying Training
Attachments: WisconsinPublicRecordsLawBasics_PPT.pdf; Ethics and Lobbying Law One Pager.pdf; DSPS Public Records Information.pdf

DSPS Board, Council or Committee member,

For those of you that have not already done so, this is a reminder to review the training materials we sent you a few weeks ago regarding what you need to know about Wisconsin's ethics and lobbying laws and how to handle public records. You will have a chance to raise any questions and discuss these topics at your next board, council or committee meeting.

We have also included an additional document called "DSPS Public Records Information.pdf" that identifies who you should talk to at DSPS about public records questions. Some people had difficulty opening the public records training file, therefore we have also attached a PDF version of the training called "WisconsinPublicRecordsLawBasics_PPT.pdf".

Hello,

Below you will find information about two requirements recently communicated to state agencies.

All Board, Council, Section and Committee members are required to receive training in two separate areas: 1) Public Records, and; 2) Ethics and Lobbying. **These required trainings must be completed at your earliest opportunity. Please complete the web-based public records training and review the attached ethics and lobbying guidance document by March 1st.** At your next meeting, you will have the opportunity to discuss the public records training and we will review the ethics and lobby law training.

Background information and instructions for both trainings is included below.

1) Public Records

On March 11, 2016, the Governor issued [Executive Order #189](#) reaffirming the importance of transparency in state government. Specifically, the Governor asked agencies to implement best practices to promote the public's access to the records of their government under Wisconsin's Public Records Law. The Governor also directed each state agency to provide public records resources and training for all employees and members of all boards, councils, commissions and committees attached to the agency.

This training has been developed and is available online at the following web link:

http://dsps.wi.gov/Documents/Board%20Services/Other%20Resources/RecordsTraining/Wisconsin_Public_Records_Law_Basics.pdf

*Please note that this link will require Adobe Flash Player which may not be available for your hand held device. *If you are unable to open the training, you may view the attached PDF titled "WisconsinPublicRecordsLawBasics_PPT" instead.*

If you have difficulty in accessing this information please contact Kimberly Wood at Kimberly.Wood@wisconsin.gov and she will assist you.

2) **Ethics and Lobbying**

Recently the Wisconsin Ethics Commission withdrew a formal opinion that had created a pathway for agency officials to remove themselves from the prohibitions of the lobbying law. A number of questions were received in response to the action by the Ethics Commission.

A guidance document is attached in an effort to clarify the current status of the law. The attachment is a one-page overview of specific provisions in the state ethics and lobbying laws that apply to persons appointed by Governor Walker throughout state government.

While the ethics law provisions apply to all appointees of the Governor, the lobbying law only applies to members of boards, councils, or commissions and committees that are involved with rule writing.

If you have any questions, please feel free to reach out to your Executive Director or the Wisconsin Ethics Commission at any time.

Thank you,

Jim Boullion

Administrator, Division of Policy Development
Department of Safety and Professional Services

james.boullion@wisconsin.gov

Phone: (608) 266-8419

What Is a Public Record?

Anything paper or electronic with information about government business, with a few exceptions

Public records can be paper or electronic.

Examples of electronic public records:

- Emails
- Videos
- Audio files
- Database content
- Instant messages



Record Location

The location of the record does not matter!

Emails, text messages, or files about government business on your personal device are public records. You must keep them and turn them over upon request.



Public Records Responsibility 3

When you have a public record, understand how to properly retain it.

- If it **is** a public record, follow your agency's record retention schedule.
- Check with your agency's records officer(s) or records coordinator(s) to learn:
 - How long to keep records.
 - Where to send records when time expires.
- Before you get rid of a record, make sure there are no pending records requests, audits, or lawsuits that require you to hold on to it.



Key Points

Key points to remember:

- Don't delete emails or any other records unless you know that you don't need to keep them.
- Organize hard copy documents so you know where to find them if a member of the public requests them.
- Know how long you are required to keep **your** records and what to do with them when that time is up.



Key Points, Continued

- Keep all your emails in a place where someone can search them when requests come in.
- Manage your own emails. Don't rely on disaster recovery backup systems. If you run out of storage in your mailbox, ask your agency's help desk for assistance with .pst files or similar solutions.
- Text messages on your personal cell phone are public records if they pertain to government business.
- Emails in your personal email are public records if they pertain to government business.

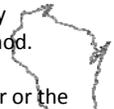


Public Records Responsibility 4

Recognize a public records request and handle the request appropriately.

A public records request:

- Is any request for government records.
- Does not require magic words or precise format.
- Can be submitted by email, by letter, by phone, in person, or by any other method.
- Can be written or verbal.
- Does not need to identify the requestor or the purpose of the request.



Department of Safety and Professional Services

Agency Specific Public Records Information

February 24, 2017

The purpose of this memo is to provide information on public records requests that is specific to the Department of Safety and Professional Services (DSPS).

DSPS receives public record requests in a number of ways. Most public record requests are received via US mail or by email. DSPS has a public records mailbox accessible from the DSPS website. In addition, the DSPS website contains a public records notice which sets out the procedure for making a request and information about fees. Here is the link to the public records notice: <http://dsps.wi.gov/other-services/open-records-notice-and-requests>

Records requests should always be considered a priority. If you are an employee of DSPS and you receive a request you should immediately notify your supervisor or a record custodian. Any records that may be covered by the request should be preserved. **If you are a member of a board or council and you receive a request you should immediately notify your primary contact at DSPS, normally the executive director of your board or council.** Again, any records that may be covered by the request should be preserved. The record request should be forwarded to the supervisor, custodian or executive director within one business day.

Deputy record custodians process the requests. The custodians will work in conjunction with the DSPS public information officer on requests involving media or legislative issues. The custodians will also work with the employees or board/council members if there is a need to search emails or other records in possession of the employee or board/council member. The goal is for the custodian to provide a response as soon as practicable. For this reason, cooperation with the custodians is essential.

The agency record custodian is Michael Berndt.

The following lists reflect deputy record custodians for each agency division:

DLSC
Meena Balasubramanian
Beth Cramton
Zach Hendrickson
Terri Rees

DPCP
Kris Hendrickson
DMS/Office of Sec.
Michael Berndt
Alicia Bork

DPD
Shawn Leatherwood
DIS/Field Offices
Peggy Thran

Public records are retained for periods of time set out in Record Destruction Authorizations, commonly called RDAs, or as required by the General Record Schedules. If you have questions about how long some record is supposed to be retained, please talk with you supervisor. Record officers update the agency RDAs and are familiar with the General Record Schedules. The agency record officers are Michael Berndt and Peggy Thran.

The guidance below provides a summary of the prohibitions on solicitation and acceptance of items of value under Wisconsin law. This guidance does not provide a comprehensive overview of the regulations that apply to state officials. For further information, please consult the Wisconsin Ethics Commission (<http://ethics.wi.gov/content/resources>) and Chapters 13 and 19 of the Wisconsin Statutes.

Lobbying law. Chapter 13, Wisconsin Statutes.

General Rule: Members of state agencies, boards, commissions, or councils that have rulemaking authority cannot **solicit** or **accept** anything of pecuniary value from a lobbyist or lobbying principal, even if they offer to pay for it. (§13.62, §13.625, 80 OAG 205). [Involvement in rulemaking is defined very broadly; you are likely considered to be involved in rulemaking just by virtue of the fact that you are appointed to a board, commission or council with rulemaking authority. §13.62(3)]. *Note that the Wisconsin Ethics Commission recently withdrew a formal opinion that allowed agency officials to remove themselves from the prohibitions of the lobbying law by refraining from engaging in rulemaking activities.*

Applies to members of boards with rule-making authority (“agency officials”). [Defined in §13.62(3)].

Exceptions:

- If the thing provided by a principal (not an individual lobbyist) is available to the general public on the same terms and conditions and is available to anyone who wants it and who meets the criteria for eligibility. [§13.625(2); 80 OAG 205]. For example, a member of the State Bar could attend a generally advertised continuing legal education conference put on by the State Bar (a lobbying principal) so long as it was available to anyone who wished to attend and met the criteria for eligibility, such as membership in the State Bar.
 - The criteria for eligibility must be:
 - Established and readily identifiable; and
 - Drawn without the purpose or effect of giving a preference to or conferring an advantage upon you.
 - There must be no offer or notice of availability directed to you that gives you an advantage.
- The lobbyist or principal is your employer and the thing provided does not exceed what the employer customarily provides to all employees (e.g., a paycheck). [§13.625(6r)]. (*Note that one’s status as a lobbyist does not prevent service as an agency official.*)
- The expense is provided as a benefit to the state, such as meals, transportation or lodging in connection with an event related to your state duties, which the state would otherwise pay. [§13.625(7); §19.56(3)(a)].
- Informational or educational materials. [§13.625(6t)].
- The lobbyist is a relative or resides in the same household [§13.625(6)].

*All lobbyists and lobbying principals are required to register here: <https://lobbying.wi.gov/Home/Welcome>.

Ethics Law. Chapter 19, Wisconsin Statutes.

General Rule: No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. [§19.45(2); §19.42(2)].

Applies to individuals appointed by the governor, and other positions defined in Wis. Stat. 19.42(13).

Exceptions: (*Note that these exceptions are to the ethics code only. They are not exceptions to prohibitions under the lobbying code.*)

- The thing offered is unrelated to your state position (e.g. a family member or long-time friend).
- The expense is provided as a benefit to the state, such as meals, transportation or lodging in connection with an event related to your state duties which the state would otherwise pay. [§19.56(3)(a)].

**IF YOU HAVE ANY DOUBT IF SOMETHING IS PERMITTED,
ASK YOUR LEGAL OFFICE OR THE ETHICS COMMISSION**