

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
DEPARTMENT OF SAFETY AND : **CR 25-095**
PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Department of Safety and Professional Services in conjunction with the Substance Abuse Counselors Certification Review Committee performed a comprehensive review of chapters SPS 160 to 168 based on the changes enacted by 2017 Wisconsin Act 262, 2019 Wisconsin Act 143, 2021 Wisconsin Act 222, 2021 Wisconsin Act 121, and the comprehensive review done to chapter DHS 75 in October 2021. Based on these changes, the department make necessary updates that include changes in outdated language and more substantive changes to align with current standards of practice. The following substantive changes were made:

- Sections 4 and 5 separate professional counselors from marriage and family therapists from being on the same provision in order to clarify the list of credentials.
- Section 9 eliminates the term “intermittent in-person contact” under the definition of “clinical supervision” in SPS 160.02 (6) to give the opportunity to supervisors and supervisees to use telehealth, if appropriate and follows the required guidelines.
- Section 10 creates a new definition of “clinical supervisor” in SPS 160.02 (7) to clarify who may supervise.

- Section 17 creates SPS 160.04 to enumerate the required provisions if a person chooses to use telehealth practice in substance use disorder counseling or related activities under chapters SPS 160 to 168.
- Section 20 amends SPS 161.01 (5) to include that applicants for a substance abuse counselor in-training credential should start supervision with a clinical supervisor approved by the department prior to the start of supervision.
- Section 23 repeals and recreates the work experience provision in SPS 161.02 (6) for the substance abuse counselor credential to clarify the hours requirements and include that supervision needs to be done under the supervision of a clinical supervisor. The breakdown of hours was modified to require 3,000 hours that include a minimum of 1,500 hours providing substance use disorder counseling, of which at least 500 hours is in a one-on-one modality setting.
- Section 24 creates a provision in SPS 161.02 (6m) to allow applicants for a substance abuse counselor credential to count work experience accrued out of state provided the hours meet the work experience requirement in SPS 161.02 (6). This section also creates SPS 161.02 (8) to allow applicants who hold a credential listed in s. 440.88 (3m), Stats., to count work experience accrued under their active credentials even if they did not hold a substance abuse counselor in-training credential or received supervision from a clinical supervisor.
- Section 27 amends the work experience provision in SPS 161.03 (7) for the clinical substance abuse counselor credential to clarify the hours requirements and include that supervision needs to be done under the supervision of a clinical supervisor. A breakdown of hours was created to require 5,000 hours that include a minimum of 2,500 hours providing substance use disorder counseling, of which 800 hours is in a one-on-one individual modality setting.
- Section 28 creates a provision in SPS 161.03 (7m) to allow applicants for a clinical substance abuse counselor credential to count work experience accrued out of state provided the hours meet the work experience requirement in SPS 161.03 (7). This section also creates SPS 161.03 (9) to allow for applicants who hold a credential listed in s. 440.88 (3m), Stats., to count work experience accrued under their active credentials even if they did not hold a substance abuse counselor in-training credential or received supervision from a clinical supervisor.
- Section 31 amends 3 provisions: 1) SPS 161.04 (3) to add that applicants for the clinical supervisor-in-training credential need to be under the supervision of an eligible clinical supervisor prior to the start of the supervised practice and also eliminates the statutory references to the marriage and family therapist in-training and professional counselor in-training licenses as supervision does not fall within the scope of these in-training credentials; 2) SPS 161.04 (4) (a) add that an applicant for the clinical supervisor-in-training credential needs to hold

an active clinical substance abuse counselor credential for at least 2 years; and 3) SPS 161.04 (4) (b) to eliminate the statutory references to the marriage and family therapist in-training and professional counselor in-training licenses.

- Section 48 repeals and recreates chapter SPS 162 relating to supervised requirements and practice to clarify and expand on what supervision should entail, supervisor responsibilities, and prohibited practices.
- Section 52 creates SPS 164.01 (2) (z) as a provision to protect supervisees from supervisors who may withhold documentation or approval of work experience required to obtain a credential.
- Section 53 creates SPS 164.02 to include that the standards of practice and professional conduct for substance use disorder counselor apply whether services are provided in person or by telehealth.
- Sections 54 and 55 update the list of approved prevention specialist education in SPS 166.02.
- Section 57 amends SPS 168.01 (3) to include advanced practice social workers and independent social workers in the list of credential holders who may count the continuing education done under s. 457.22, Stats., towards the continuing education requirements under SPS 168. This section also amends SPS 168.01 (4) to use “substance use disorder counselor” to encompass all the credentials issued under SPS 161.
- Sections 59 and 60 update the list of approved continuing education organizations.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on February 5, 2026. No written comments or testimonies were received from the public.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None.

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1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 12/09/2025
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 160 to 168	
4. Subject Comprehensive Review	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Department of Safety and Professional Services in conjunction with the Substance Abuse Counselors Certification Review Committee performed a comprehensive review of chapters SPS 160 to 168 based on the changes enacted by 2017 Wisconsin Act 262, 2019 Wisconsin Act 143, 2021 Wisconsin Act 222, 2021 Wisconsin Act 121, and the comprehensive review done to chapter DHS 75 in October of 2021. Based on these changes, the department make necessary updates that included changes in outdated language and more substantive changes to align with current standards of practice. The following substantive changes were made: <ul style="list-style-type: none">• Sections 4 and 5 separate professional counselors from marriage and family therapists from being on the same provision in order to clarify the list of credentials.• Section 9 eliminates the term “in-person” under the definition of “clinical supervision” in SPS 160.02 (6) to give the opportunity to supervisors and supervisees to use telehealth, if appropriate and follows the required guidelines.• Section 10 creates a new definition of “clinical supervisor” in SPS 160.02 (7) to clarify who may supervise.• Section 17 creates SPS 160.04 to enumerate the required provisions if a person chooses to use telehealth practice in substance use disorder counseling or related activities under chapters SPS 160 to 168.• Section 20 amends SPS 161.01 (5) to include that applicants for a substance abuse counselor in-training credential should start supervision with a clinical supervisor approved by the department prior to the start of supervision.• Section 23 repeals and recreates the work experience provision in SPS 161.02 (6) for the substance abuse counselor credential to clarify the hours requirements and include that supervision needs to be done under the supervision of a	

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clinical supervisor. The breakdown of hours was modified to require 3,000 hours that include a minimum of 1,500 hours providing substance use disorder counseling, of which at least 500 hours is in a one-on-one modality setting.

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12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

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The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

DSPS estimates a total of \$72,700.00 in one-time and \$50,200.00 in ongoing staffing costs to implement the rule. The estimated need for 1.4 limited term employee (LTE) is for preparing IT Governance files. Scheduling meetings for IT Project Charter and maintaining IT Governance documentation. Tracking project status and providing updates to leadership. Attending project meetings as the IT Portfolio Manager. Promulgation of rules, legal and internal review and consultation. Review of rule and committee meeting preparation of follow-ups. Reviewing revised code; advising staff as necessary; updating systems and workflows; training staff on new workflows. Updating website, forms, internal processes and training. The estimated annual staffing need for a 0.6 full time employee (FTE) is for increase in customer service volume, intake, processing and prosecution of complaints, monitoring, and preparation and processing of reports and other inquires. The one-time and annual estimated costs cannot be absorbed in the currently appropriated agency budget.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

This proposed rule will update chs. SPS 160 to 168 to reflect current standards of practice and fix conflicts with current statutes and DHS rules. The policy alternative is to leave the chapters unchanged, which would fail to address stakeholder questions and the lack of clarity within the code will persist and the department may need to maintain procedures and practices which are out-of-date.

16. Long Range Implications of Implementing the Rule

The long range implications of implementing this rule are improved clarity in the practice of substance use disorder counselors.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois

Illinois does not credential substance abuse counselors, clinical supervisors or prevention specialists but recognizes a private, non-profit organization called the Illinois Certification Board (ICB) that issues several addiction-related credentials, and it is defined in the Administrative Code as "the organization that issues a credential to professionals seeking to provide DHS/SUPR licensable substance use disorder intervention and treatment services. This organization is also known as the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA)". [77 Ill. Admin. Code 2060.120]. The credentials they issue and that are similar to Wisconsin credentials are the following: Certified Alcohol and Other Drug Counselor (CADC), Certified Prevention Specialist (CPS), and Certified Senior Prevention Specialist (CSPS). Per the ICB counselors' handbooks, the requirements for the CADC credential are:

1. High School diploma or GED.
2. One year or 2,000 hours of paid alcohol and other drugs qualified work experience in the past 4 years.
3. Supervised practical experience of 150 hours.
4. Training or education of 225 clock hours or continuing education units.
5. Passing CADC Illinois examination.

ICB required the supervisor to be an individual who is knowledgeable in alcohol and other drug counseling but does not place limiting criteria on qualification of a supervisor because they recognize that supervision may take place in a variety of settings.

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The CPS requirements are:

1. High School diploma or GED.
2. One year or 2,000 hours of paid qualified work experience in the past 4 years or prevention volunteer experience under the supervision of an ICB certified professional in the past 4 years.
3. Supervised practical experience of 120 hours.
4. Training or education of 120 hours.
5. Prevention Specialist examination.

The CSPS requirements are:

1. High School diploma or GED.
2. Four years or 8,000 hours of paid qualified work experience in the past 7 years or prevention volunteer experience under the supervision of an ICB certified professional in the past 7 years.
3. Supervised practical experience of 240 hours.
4. Training or education of 150 hours.
5. Prevention Specialist examination.

Illinois does have a Substance Use Disorder Act which establishes definitions and provisions on how to provide substance use disorder at different facilities.

The Administrative Code establishes definitions based on the statutory Substance Use Disorder Act. These definitions include a definition of “clinical supervision” as “the dedicated time that professional staff (...) spend with a supervisor or with supervisees discussing preparation for or performing clinical work. Clinical supervision is the administrative, clinical, and evaluative process of monitoring, assessing, and enhancing clinical practice performance”.

The Administrative Code establishes that “supervision may be in-person or virtual and include group supervision” [77 Ill Admin. Code 2060.325]. It also establishes a list of professional staff who works in a licensed setting as follows:

1. Hold certification as a Certified Alcohol and Drug Counselor from the Illinois Certification Board (ICB).
2. Be a licensed professional counselor or a licensed clinical professional counselor pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].
3. Be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987.
4. Be a licensed clinical psychologist pursuant to the Clinical Psychology Practice Act [225 ILCS 15].
5. Be a licensed social worker (LSW) or licensed clinical social worker (LCSW) pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20].
6. Be a licensed marriage and family therapist pursuant to the Marriage and Family Therapy Act [225 ILCS 55].
7. Be a board-certified psychiatric-mental health nurse practitioner (PMHNP-BC) or a physician assistant with a Certificate of Added Qualifications (CAQ) in psychiatry in accordance with the requirements specified by the American Nurses Credentialing Center or the National Commission on Certification of Physician Assistants. [77 Ill. Admin. Code 2060.320]

Iowa

Iowa does not credential substance abuse counselors, clinical supervisors or prevention specialists. There is a private, non-profit organization (Iowa Board of Certification) that provides certifications for these professions.

The Iowa Board of Certification (IBC) credentials prevention and treatment professionals in addictions and other behavioral health fields. The following credentials are similar to Wisconsin substance abuse counseling credentials: Certified Alcohol and Drug Counselor (CADC), Certified Clinical Supervisor (CCS), Certified Prevention Specialist (CPS), and Advanced Certified Prevention Specialist (ACPS).

Per the IBC counselors’ handbooks, the CADC requirements have two tracks: the Education track or the Experience Track. The requirements for the Education track are:

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1. High school diploma or GED.
2. Completion of 24 semester hours (or 33 quarter hours) of college level credit in substance abuse or its related fields (Counseling, Psychology, Sociology, Social Work, Human Services, and Criminal Justice)
3. Completion of a minimum of 150 hours of relevant education, which can be a combination of college courses, training, or workshops.
4. Completion of 6 months or 1,000 clock hours of supervised experience in substance abuse counseling within the past 3 years. Of the supervised experience, at least 500 clock hours must be in the 4 domains of the Alcohol and Drug Counselor with a minimum of 20 hours in each domain, and 36 hours of direct supervision with a qualified supervisor. The Experience Track requirements are:

1. High school diploma or GED.
2. Completion of 150 clock hours of training in the Alcohol and Drug Counselor Knowledge and Skill Competencies, which can be accrued with a combination of college courses, training, and workshops.
3. Completion of 1 ½ years full-time or 3,000 clock hours of supervised experience in performing in the 4 domains of the Alcohol and Drug Counselor within the past 3 years. Of the supervised experience, at least 500 clock hours must be in the 4 domains of the Alcohol and Drug Counselor with a minimum of 20 hours in each domain, and 36 hours of direct supervision with a qualified supervisor.

IBC defines “supervision” as “a specific and definitive clinical process of a counselor's professional development in the didactic, experiential, and application of the Domains. Supervision takes place in the context of one to one and/or small groups. Methods for supervision may include - but are limited to - case review, direct supervision, video and/or audio review, and observation of the counselor's professional interaction with clients and staff. The main goals of clinical supervision are to provide the opportunity to develop competency in the Domains, provide a context for professional growth and development, and ensure a continuance of quality patient/client care”.

Per the IBC handbook, IBC certified counselors in good standing are eligible to conduct supervision for certification as long as the counselor is certified at a level equal to or higher than the level for which the applicant is applying.

The IBC requires that an applicant for a clinical supervisor credential meet the following requirements:

1. Hold a master's degree or higher in substance abuse or human services field.
2. Completion of 30 hours of education specific to the IC&RC clinical supervision domains with a minimum of 5 hours in each domain plus 3 hours of racial/ethnic training.
3. Must hold a current and valid credential as an International Alcohol and Drug Counselor (IADC), International Advanced Alcohol and Drug Counselor (IAADC), Certified Criminal Justice Professional (CCJP), or Certified Co-Occurring Disorders Professional (CCDP) OR hold a specialty substance abuse credential in another professional discipline in the human services field at the master's level or higher.
4. Completion of 10,000 hours (5 years full-time) of alcohol and drug counseling specific work experience, which can include 4,000 hours of alcohol and drug counseling and must include 200 hours of face-to-face clinical supervision. Up to 100 hours may be performed electronically in real time. Completion of a degree may substitute part of the hours requirements, with a maximum of 4,000 hours depending on the degree's level.
5. Pass the IC&RC exam.

The requirements for the CPS credential is:

1. Completion of 2,000 clock hours of supervised experience in performing prevention specialist domains.
2. Completion of 120 hours specific to the IC&RC Prevention domains with a minimum of 10 hours in each domain.
3. Hold a bachelor's degree, an associate of arts degree and an additional 35 clock hours of prevention-related training, or a high school diploma or GED and an additional 48 clock hours of prevention-related training.

A prevention specialist with at least a bachelor's degree and more specialized education or experience, may apply for the ACPS. The ACPS requirements are the following:

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1. Completion of 6,000 clock hours (3 years of full-time) supervised experience in performing the prevention specialist domains.
2. Completion of a minimum of 120 hours of prevention specific education as indicated for CPS.

Michigan

Michigan does not credential substance abuse counselors, clinical supervisors or prevention specialists. There is a private, non-profit organization (Michigan Certification Board for Addiction Professionals) that provides certifications for these professions.

The Michigan Administrative Code defines a “certified counselor” as “an individual who is employed or volunteers to work by providing counseling to recipients in a substance use disorder services program licensed by the department under [the Substance Abuse Services part of the Public Health Code] and who is certified as an alcohol and drug counselor by an organization approved or recognized by the department”. [MI Admin. Code r. 325.1301]

Per the MCBAP Certification for Addiction Professionals’ handbook, the following are the addiction counseling credentials that are similar to the Wisconsin substance abuse counseling credentials: Certified Alcohol & Drug Counselor (CADC); Certified Advanced Alcohol & Drug Counselor (CAADC); Certified Clinical Supervisor (CCS); and Certified Prevention Specialist (CPS).

All credentials require specific work experience, supervision, and an examination. The work experience must be obtained in the field of substance use disorder (SUD) within the last 10 years, according to the IC&RC domains, with one year of full-time experience equivalent to 2,000 hours. All applicants must also successfully complete the IC&RC exam relevant to the their credential. Supervision is defined as a formal, systematic process that focuses on skill development and integration of knowledge, must occur as part of an eligible work experience, and may be completed under more than one supervisor.

The following are the requirements for the CADC credential:

1. The number of required work experience hours in SUD counseling varies based on an applicant's education level. Applicants with a high school diploma or GED must complete 6,000 hours, while those with an associate's degree in an approved discipline need 5,000 hours. A bachelor's degree or higher in an approved discipline requires 4,000 hours, and a master's degree or higher in an approved discipline necessitates 2,000 hours. Approved disciplines vary depending on degree level.
2. Completion of 300 total education hours required of which 180 hours must be specific in SUD, 120 hours may be related to SUD, and 6 hours of ethics.
3. The required number of supervision hours, which must be specific to IC&RC Domains with a minimum of 10 hours in each domain, varies depending on the applicant's educational background. Individuals with a high school diploma or GED must complete 300 hours of supervision. Those with an associate's degree in an approved discipline require 250 hours, while applicants with a bachelor's degree in an approved discipline need 200 hours. A master's degree or higher in an approved discipline requires 100 hours. For completion of supervision hours, the supervisor’s required credentials are:
 - a. CCS or CCS-M
 - b. Licensed Master Social Worker (LMSW)
 - c. Licensed Professional Counselor (LPC)
 - d. Licensed Psychologist (LP)

The following are the requirements for the CAADC credential:

1. Hold a master’s degree or higher in any of the following approved disciplines: Counseling, Psychology, Social Work, Addiction Studies, Art Therapy, or Marriage and Family Therapy.
 2. Completion of 2,000 hours of work experience.
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3. Completion of 186 total additional education hours of which 180 hours must be specific to SUD and 6 hours of ethics.

4. Completion of 100 supervised hours specific to IC&RC Domains with a minimum of 10 hours in each domain. The supervisor's required credentials are:

- a. CCS or CCS-M
- b. Licensed Master Social Worker (LMSW)
- c. Licensed Professional Counselor (LPC)
- d. Licensed Psychologist (LP)

The requirements for the CCS credential are:

1. Hold a master's degree or higher in any of the following approved disciplines: Counseling, Psychology, Social Work, Addiction Studies, Art Therapy, and Marriage and Family Therapy.
2. Hold a current and active CADC or CAADC credential.
3. Completion of 6,000 hours of work experience. The 6,000 hours must include 4,000 hours of clinical supervisor experience.
4. Completion of 100 supervised hours specific to IC&RC Domains with a minimum of 10 hours in each domain.

The supervisor's required credentials are:

- a. CCS
- b. Licensed Master Social Worker (LMSW)
- c. Licensed Professional Counselor (LPC)
- d. Licensed Psychologist (LP)

5. Completion of 30 total additional education hours in the IC&RC performance domains required with a minimum of 5 hours in each domain.

The requirements for the CPS credential are:

1. Hold a minimum of a high school or GED diploma.
 2. Completion of 2,000 hours of work experience in SUD prevention services.
 3. Completion of 120 hours of additional education, of which 24 hours must be specific to SUD, 96 hours may be related or specific to SUD, and 6 hours of prevention ethics.
 4. Completion of 120 hours of supervision specific to IC&RC domains with a minimum of 10 hours in each domain.
- One of the credentials required for supervisors includes the CPS.

Minnesota

Minnesota does not credential other alcohol and drug counselor levels, clinical supervisor or prevention specialist. The Board of Behavioral Health and Therapy in Minnesota issues licenses as a Licensed Alcohol and Drug Counselor (LADC) to applicants who meet the following requirements:

1. Hold a bachelor's or master's degree from an accredited school or educational program.
2. Completion of 18 semester credits or 270 clock hours of academic coursework and 880 clock hours of supervised alcohol and drug counseling practicum from an accredited school or education program. The coursework and practicum do not have to be part of the bachelor's degree program.
3. Pass the IC&RC Alcohol and Other Drug Abuse Counselor exam.
4. Pass a written examination for licensure as an alcohol and drug counselor as determined by the board and one of the following:

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- a. Completion of a written case presentation and pass an oral examination that demonstrates competence in the core functions.
- b. Completion of 2,000 hours of post degree supervised professional practice.
[Minn. Stat. § 148F.025]

Michigan defines “supervision” as the “documented interactive consultation, which [...] may be conducted in person, by telephone, or by audio or audiovisual electronic device by a supervisor with a supervisee. The supervision must be adequate to ensure the quality and competence of the activities supervised. Supervisory consultation must include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of alcohol and drug counseling services in the supervisee's practice.” Additionally, the Statutes mentioned that “supervision must be obtained at the rate of one hour of supervision per 40 hours of professional practice, for a total of 50 hours of supervision. The supervision must be evenly distributed over the course of the supervised professional practice. At least 75 percent of the required supervision hours must be received in person. The remaining 25 percent of the required hours may be received by telephone or by audio or audiovisual electronic device. At least 50 percent of the required hours of supervision must be received on an individual basis. The remaining 50 percent may be received in a group setting.” Supervision must be completed in no less than 12 consecutive months and no more than 36 consecutive months. The supervisor’s requirements are the following:

- 1. Be a licensed alcohol and drug counselor or other qualified professional as determined by the board.
- 2. Have 3 years of experience providing alcohol and drug counseling services.
- 3. Complete a minimum of 12 hours of training in clinical and ethical supervision, which may include course work, continuing education courses, workshops, or a combination of all.
[Minn. Stat. § 148F.04]

19. Contact Name Sofia Anderson, Administrative Rules Coordinator.	20. Contact Phone Number 608-261-4463
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 25-095)

PROPOSED ORDER

An order of the Department of Safety and Professional Services **to repeal** SPS 160.02 (4), (15), 160.03, 161.05 (5) (a), 164.01 (1), 166.02 (4), (5), (6), 168.02 (1) (a) 7.; **to amend** SPS 160.015 (2) (a), (b), (c), (d), (e), 160.02 (2), (3) (e), (6), (11), (25), 161.01 (1), (4), (5), (6), 161.02 (1), (7), 161.03 (1), (7), (8), 161.04 (1), (3), (4) (a) and (b), 161.05 (1), (3) (b), (4), 161.06 (1), 161.07 (1), 161.08 (intro), (1), (3), (4), ch. SPS 164 (title), 164.01 (2) (b), (Note), (c), (d), (f), (fm), (g), (h), (i), (n), (r), (t), (u), (v), (x), 166.01 (title), (1) (c) 1. c., 166.02 (2), 167.01 (1) and (2), 168.01 (1), (3) and (4), 168.02 (1) (intro), (2) (a) (intro) and 1.; **to repeal and recreate** SPS 160.015 (1), 160.02 (4) and (7), 161.02 (6), ch. SPS 162; and **to create** SPS 160.015 (2) (bg), (br), (dm), 160.02 (9), (13m), (29), (30), 160.04, 161.01 (1) (Note), 161.02 (1) (Note), (6m), (8), 161.03 (1) (Note), (7m), (9), 161.04 (1) (Note) and (5), 161.05 (1) (Note) and (7), 161.06 (1) (Note) and (4), 161.07 (1) (Note) and (5), 161.08 (1) (Note), 161.09, 164.01 (2) (z), 164.02, 168.02 (1) (a) 14., 15., 16., relating to substance use disorder counseling comprehensive review.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 440.88, stats.

Statutory authority:

ss. 227.11 (2) (a); 440.88 (3) (a) and (b); (9) (a); (10) and (11); Stats.

Explanation of agency authority:

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.88 (3) (a), Stats., provides that “the department shall promulgate rules that establish minimum standards and qualifications for the certification of [...] substance abuse counselors and clinical supervisors, as defined by the department of health services by rule.”

Section 440.88 (3) (b), Stats., states that “[r]ules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence based.”

Section 440.88 (9) (a), Stats., states that “[t]he department may [...] [e]stablish the minimum number of hours of continuing education required for renewal of certification under this section and the topic areas that the continuing education must cover.”

Section 440.88 (10), Stats., provides that “[t]he department shall establish the criteria for the approval of continuing education programs and courses required for renewal of certification of a substance abuse counselor, clinical supervisor, or prevention specialist and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The department shall approve continuing education programs and courses in accordance with the criteria established under this subsection.”

Section 440.88 (11), Stats., states that “[t]he department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision and prevention.”

Related statute or rule:

None.

Plain language analysis:

The Department of Safety and Professional Services in conjunction with the Substance Abuse Counselors Certification Review Committee performed a comprehensive review of chapters SPS 160 to 168 based on the changes enacted by 2017 Wisconsin Act 262, 2019 Wisconsin Act 143, 2021 Wisconsin Act 222, 2021 Wisconsin Act 121, and the comprehensive review done to chapter DHS 75 in October 2021. Based on these changes, the department make necessary updates that include changes in outdated language and more substantive changes to align with current standards of practice. The following substantive changes were made:

- Sections 4 and 5 separate professional counselors from marriage and family therapists from being on the same provision in order to clarify the list of credentials.
- Section 9 eliminates the term “intermittent in-person contact” under the definition of “clinical supervision” in SPS 160.02 (6) to give the opportunity to supervisors and supervisees to use telehealth, if appropriate and follows the required guidelines.
- Section 10 creates a new definition of “clinical supervisor” in SPS 160.02 (7) to clarify who may supervise.
- Section 17 creates SPS 160.04 to enumerate the required provisions if a person chooses to use telehealth practice in substance use disorder counseling or related activities under chapters SPS 160 to 168.

- Section 20 amends SPS 161.01 (5) to include that applicants for a substance abuse counselor in-training credential should start supervision with a clinical supervisor approved by the department prior to the start of supervision.
- Section 23 repeals and recreates the work experience provision in SPS 161.02 (6) for the substance abuse counselor credential to clarify the hours requirements and include that supervision needs to be done under the supervision of a clinical supervisor. The breakdown of hours was modified to require 3,000 hours that include a minimum of 1,500 hours providing substance use disorder counseling, of which at least 500 hours is in a one-on-one modality setting.
- Section 24 creates a provision in SPS 161.02 (6m) to allow applicants for a substance abuse counselor credential to count work experience accrued out of state provided the hours meet the work experience requirement in SPS 161.02 (6). This section also creates SPS 161.02 (8) to allow applicants who hold a credential listed in s. 440.88 (3m), Stats., to count work experience accrued under their active credentials even if they did not hold a substance abuse counselor in-training credential or received supervision from a clinical supervisor.
- Section 27 amends the work experience provision in SPS 161.03 (7) for the clinical substance abuse counselor credential to clarify the hours requirements and include that supervision needs to be done under the supervision of a clinical supervisor. A breakdown of hours was created to require 5,000 hours that include a minimum of 2,500 hours providing substance use disorder counseling, of which 800 hours is in a one-on-one individual modality setting.
- Section 28 creates a provision in SPS 161.03 (7m) to allow applicants for a clinical substance abuse counselor credential to count work experience accrued out of state provided the hours meet the work experience requirement in SPS 161.03 (7). This section also creates SPS 161.03 (9) to allow for applicants who hold a credential listed in s. 440.88 (3m), Stats., to count work experience accrued under their active credentials even if they did not hold a substance abuse counselor in-training credential or received supervision from a clinical supervisor.
- Section 31 amends 3 provisions: 1) SPS 161.04 (3) to add that applicants for the clinical supervisor-in-training credential need to be under the supervision of an eligible clinical supervisor prior to the start of the supervised practice and also eliminates the statutory references to the marriage and family therapist in-training and professional counselor in-training licenses as supervision does not fall within the scope of these in-training credentials; 2) SPS 161.04 (4) (a) add that an applicant for the clinical supervisor-in-training credential needs to hold an active clinical substance abuse counselor credential for at least 2 years; and 3) SPS 161.04 (4) (b) to eliminate the statutory references to the marriage and family therapist in-training and professional counselor in-training licenses.

- Section 48 repeals and recreates chapter SPS 162 relating to supervised requirements and practice to clarify and expand on what supervision should entail, supervisor responsibilities, and prohibited practices.
- Section 52 creates SPS 164.01 (2) (z) as a provision to protect supervisees from supervisors who may withhold documentation or approval of work experience required to obtain a credential.
- Section 53 creates SPS 164.02 to include that the standards of practice and professional conduct for substance use disorder counselor apply whether services are provided in person or by telehealth.
- Sections 54 and 55 update the list of approved prevention specialist education in SPS 166.02.
- Section 57 amends SPS 168.01 (3) to include advanced practice social workers and independent social workers in the list of credential holders who may count the continuing education done under s. 457.22, Stats., towards the continuing education requirements under SPS 168. This section also amends SPS 168.01 (4) to use “substance use disorder counselor” to encompass all the credentials issued under SPS 161.
- Sections 59 and 60 update the list of approved continuing education organizations.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

None.

Comparison with rules in adjacent states:

Illinois

Illinois does not credential substance abuse counselors, clinical supervisors or prevention specialists but recognizes a private, non-profit organization called the Illinois Certification Board (ICB) that issues several addiction-related credentials, and it is defined in the Administrative Code as “the organization that issues a credential to professionals seeking to provide DHS/SUPR licensable substance use disorder intervention and treatment services. This organization is also known as the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA)”. [77 Ill. Admin. Code 2060.120]. The credentials they issue and that are similar to Wisconsin credentials are the following: Certified Alcohol and Other Drug Counselor (CADC), Certified Prevention Specialist (CPS), and Certified Senior Prevention Specialist (CSPS). Per the ICB counselors’ handbooks, the requirements for the CADC credential are:

1. High School diploma or GED.
2. One year or 2,000 hours of paid alcohol and other drugs qualified work experience in the past 4 years.
3. Supervised practical experience of 150 hours.
4. Training or education of 225 clock hours or continuing education units.
5. Passing CADC Illinois examination.

ICB required the supervisor to be an individual who is knowledgeable in alcohol and other drug counseling but does not place limiting criteria on qualification of a supervisor because they recognize that supervision may take place in a variety of settings.

The CPS requirements are:

1. High School diploma or GED.
2. One year or 2,000 hours of paid qualified work experience in the past 4 years or prevention volunteer experience under the supervision of an ICB certified professional in the past 4 years.
3. Supervised practical experience of 120 hours.
4. Training or education of 120 hours.
5. Prevention Specialist examination.

The CSPS requirements are:

1. High School diploma or GED.
2. Four years or 8,000 hours of paid qualified work experience in the past 7 years or prevention volunteer experience under the supervision of an ICB certified professional in the past 7 years.
3. Supervised practical experience of 240 hours.
4. Training or education of 150 hours.
5. Prevention Specialist examination.

Illinois does have a Substance Use Disorder Act which establishes definitions and provisions on how to provide substance use disorder at different facilities.

The Administrative Code establishes definitions based on the statutory Substance Use Disorder Act. These definitions include a definition of “clinical supervision” as “the dedicated time that professional staff (...) spend with a supervisor or with supervisees discussing preparation for or performing clinical work. Clinical supervision is the administrative, clinical, and evaluative process of monitoring, assessing, and enhancing clinical practice performance”.

The Administrative Code establishes that “supervision may be in-person or virtual and include group supervision” [77 Ill Admin. Code 2060.325] . It also establishes a list of professional staff who works in a licensed setting as follows:

1. Hold certification as a Certified Alcohol and Drug Counselor from the Illinois Certification Board (ICB).

2. Be a licensed professional counselor or a licensed clinical professional counselor pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].
3. Be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987.
4. Be a licensed clinical psychologist pursuant to the Clinical Psychology Practice Act [225 ILCS 15].
5. Be a licensed social worker (LSW) or licensed clinical social worker (LCSW) pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20].
6. Be a licensed marriage and family therapist pursuant to the Marriage and Family Therapy Act [225 ILCS 55].
7. Be a board-certified psychiatric-mental health nurse practitioner (PMHNP-BC) or a physician assistant with a Certificate of Added Qualifications (CAQ) in psychiatry in accordance with the requirements specified by the American Nurses Credentialing Center or the National Commission on Certification of Physician Assistants.

[77 Ill. Admin. Code 2060.320]

Iowa

Iowa does not credential substance abuse counselors, clinical supervisors or prevention specialists. There is a private, non-profit organization (Iowa Board of Certification) that provides certifications for these professions.

The Iowa Board of Certification (IBC) credentials prevention and treatment professionals in addictions and other behavioral health fields. The following credentials are similar to Wisconsin substance abuse counseling credentials: Certified Alcohol and Drug Counselor (CADC), Certified Clinical Supervisor (CCS), Certified Prevention Specialist (CPS), and Advanced Certified Prevention Specialist (ACPS).

Per the IBC counselors' handbooks, the CADC requirements have two tracks: the Education track or the Experience Track. The requirements for the Education track are:

1. High school diploma or GED.
2. Completion of 24 semester hours (or 33 quarter hours) of college level credit in substance abuse or its related fields (Counseling, Psychology, Sociology, Social Work, Human Services, and Criminal Justice)
3. Completion of a minimum of 150 hours of relevant education, which can be a combination of college courses, training, or workshops.
4. Completion of 6 months or 1,000 clock hours of supervised experience in substance abuse counseling within the past 3 years. Of the supervised experience, at least 500 clock hours must be in the 4 domains of the Alcohol and Drug Counselor with a minimum of 20 hours in each domain, and 36 hours of direct supervision with a qualified supervisor.

The Experience Track requirements are:

1. High school diploma or GED.

2. Completion of 150 clock hours of training in the Alcohol and Drug Counselor Knowledge and Skill Competencies, which can be accrued with a combination of college courses, training, and workshops.
3. Completion of 1 ½ years full-time or 3,000 clock hours of supervised experience in performing in the 4 domains of the Alcohol and Drug Counselor within the past 3 years. Of the supervised experience, at least 500 clock hours must be in the 4 domains of the Alcohol and Drug Counselor with a minimum of 20 hours in each domain, and 36 hours of direct supervision with a qualified supervisor.

IBC defines “supervision” as “a specific and definitive clinical process of a counselor's professional development in the didactic, experiential, and application of the Domains. Supervision takes place in the context of one to one and/or small groups. Methods for supervision may include - but are limited to - case review, direct supervision, video and/or audio review, and observation of the counselor's professional interaction with clients and staff. The main goals of clinical supervision are to provide the opportunity to develop competency in the Domains, provide a context for professional growth and development, and ensure a continuance of quality patient/client care”.

Per the IBC handbook, IBC certified counselors in good standing are eligible to conduct supervision for certification as long as the counselor is certified at a level equal to or higher than the level for which the applicant is applying.

The IBC requires that an applicant for a clinical supervisor credential meet the following requirements:

1. Hold a master's degree or higher in substance abuse or human services field.
2. Completion of 30 hours of education specific to the IC&RC clinical supervision domains with a minimum of 5 hours in each domain plus 3 hours of racial/ethnic training.
3. Must hold a current and valid credential as an International Alcohol and Drug Counselor (IADC), International Advanced Alcohol and Drug Counselor (IAADC), Certified Criminal Justice Professional (CCJP), or Certified Co-Occurring Disorders Professional (CCDP) OR hold a specialty substance abuse credential in another professional discipline in the human services field at the master's level or higher.
4. Completion of 10,000 hours (5 years full-time) of alcohol and drug counseling specific work experience, which can include 4,000 hours of alcohol and drug counseling and must include 200 hours of face-to-face clinical supervision. Up to 100 hours may be performed electronically in real time. Completion of a degree may substitute part of the hours requirements, with a maximum of 4,000 hours depending on the degree's level.
5. Pass the IC&RC exam.

The requirements for the CPS credential is:

1. Completion of 2,000 clock hours of supervised experience in performing prevention specialist domains.
2. Completion of 120 hours specific to the IC&RC Prevention domains with a minimum of 10 hours in each domain.

3. Hold a bachelor's degree, an associate of arts degree and an additional 35 clock hours of prevention-related training, or a high school diploma or GED and an additional 48 clock hours of prevention-related training.

A prevention specialist with at least a bachelor's degree and more specialized education or experience, may apply for the ACPS. The ACPS requirements are the following:

1. Completion of 6,000 clock hours (3 years of full-time) supervised experience in performing the prevention specialist domains.
2. Completion of a minimum of 120 hours of prevention specific education as indicated for CPS.

Michigan

Michigan does not credential substance abuse counselors, clinical supervisors or prevention specialists. There is a private, non-profit organization (Michigan Certification Board for Addiction Professionals) that provides certifications for these professions.

The Michigan Administrative Code defines a "certified counselor" as "an individual who is employed or volunteers to work by providing counseling to recipients in a substance use disorder services program licensed by the department under [the Substance Abuse Services part of the Public Health Code] and who is certified as an alcohol and drug counselor by an organization approved or recognized by the department". [MI Admin. Code r. 325.1301]

Per the MCBAP Certification for Addiction Professionals' handbook, the following are the addiction counseling credentials that are similar to the Wisconsin substance abuse counseling credentials: Certified Alcohol & Drug Counselor (CADC); Certified Advanced Alcohol & Drug Counselor (CAADC); Certified Clinical Supervisor (CCS); and Certified Prevention Specialist (CPS).

All credentials require specific work experience, supervision, and an examination. The work experience must be obtained in the field of substance use disorder (SUD) within the last 10 years, according to the IC&RC domains, with one year of full-time experience equivalent to 2,000 hours. All applicants must also successfully complete the IC&RC exam relevant to their credential. Supervision is defined as a formal, systematic process that focuses on skill development and integration of knowledge, must occur as part of an eligible work experience, and may be completed under more than one supervisor.

The following are the requirements for the CADC credential:

1. The number of required work experience hours in SUD counseling varies based on an applicant's education level. Applicants with a high school diploma or GED must complete 6,000 hours, while those with an associate's degree in an approved discipline need 5,000 hours. A bachelor's degree or higher in an approved discipline requires 4,000 hours, and a master's degree or higher in an approved discipline necessitates 2,000 hours. Approved disciplines vary depending on degree level.
2. Completion of 300 total education hours required of which 180 hours must be specific in SUD, 120 hours may be related to SUD, and 6 hours of ethics.
3. The required number of supervision hours, which must be specific to IC&RC Domains with a minimum of 10 hours in each domain, varies depending on the applicant's educational background. Individuals with a high school diploma or GED must complete 300 hours of supervision. Those with an associate's degree in an approved discipline

require 250 hours, while applicants with a bachelor's degree in an approved discipline need 200 hours. A master's degree or higher in an approved discipline requires 100 hours. For completion of supervision hours, the supervisor's required credentials are:

- a. CCS or CCS-M
- b. Licensed Master Social Worker (LMSW)
- c. Licensed Professional Counselor (LPC)
- d. Licensed Psychologist (LP)

The following are the requirements for the CAADC credential:

1. Hold a master's degree or higher in any of the following approved disciplines: Counseling, Psychology, Social Work, Addiction Studies, Art Therapy, or Marriage and Family Therapy.
2. Completion of 2,000 hours of work experience.
3. Completion of 186 total additional education hours of which 180 hours must be specific to SUD and 6 hours of ethics.
4. Completion of 100 supervised hours specific to IC&RC Domains with a minimum of 10 hours in each domain.

The supervisor's required credentials are:

- a. CCS or CCS-M
- b. Licensed Master Social Worker (LMSW)
- c. Licensed Professional Counselor (LPC)
- d. Licensed Psychologist (LP)

The requirements for the CCS credential are:

1. Hold a master's degree or higher in any of the following approved disciplines: Counseling, Psychology, Social Work, Addiction Studies, Art Therapy, and Marriage and Family Therapy.
2. Hold a current and active CADC or CAADC credential.
3. Completion of 6,000 hours of work experience. The 6,000 hours must include 4,000 hours of clinical supervisor experience.
4. Completion of 100 supervised hours specific to IC&RC Domains with a minimum of 10 hours in each domain.

The supervisor's required credentials are:

- a. CCS
 - b. Licensed Master Social Worker (LMSW)
 - c. Licensed Professional Counselor (LPC)
 - d. Licensed Psychologist (LP)
5. Completion of 30 total additional education hours in the IC&RC performance domains required with a minimum of 5 hours in each domain.

The requirements for the CPS credential are:

1. Hold a minimum of a high school or GED diploma.
2. Completion of 2,000 hours of work experience in SUD prevention services.
3. Completion of 120 hours of additional education, of which 24 hours must be specific to SUD, 96 hours may be related or specific to SUD, and 6 hours of prevention ethics.
4. Completion of 120 hours of supervision specific to IC&RC domains with a minimum of 10 hours in each domain. One of the credentials required for supervisors includes the CPS.

Minnesota

Minnesota does not credential other alcohol and drug counselor levels, clinical supervisor or prevention specialist. The Board of Behavioral Health and Therapy in Minnesota issues licenses as a Licensed Alcohol and Drug Counselor (LADC) to applicants who meet the following requirements:

1. Hold a bachelor's or master's degree from an accredited school or educational program.
2. Completion of 18 semester credits or 270 clock hours of academic coursework and 880 clock hours of supervised alcohol and drug counseling practicum from an accredited school or education program. The coursework and practicum do not have to be part of the bachelor's degree program.
3. Pass the IC&RC Alcohol and Other Drug Abuse Counselor exam.
4. Pass a written examination for licensure as an alcohol and drug counselor as determined by the board and one of the following:
 - a. Completion of a written case presentation and pass an oral examination that demonstrates competence in the core functions.
 - b. Completion of 2,000 hours of post degree supervised professional practice.

[Minn. Stat. § 148F.025]

Michigan defines "supervision" as the "documented interactive consultation, which [...] may be conducted in person, by telephone, or by audio or audiovisual electronic device by a supervisor with a supervisee. The supervision must be adequate to ensure the quality and competence of the activities supervised. Supervisory consultation must include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of alcohol and drug counseling services in the supervisee's practice." Additionally, the Statutes mentioned that "supervision must be obtained at the rate of one hour of supervision per 40 hours of professional practice, for a total of 50 hours of supervision. The supervision must be evenly distributed over the course of the supervised professional practice. At least 75 percent of the required supervision hours must be received in person. The remaining 25 percent of the required hours may be received by telephone or by audio or audiovisual electronic device. At least 50 percent of the required hours of supervision must be received on an individual basis. The remaining 50 percent may be received in a group setting." Supervision must be completed in no less than 12 consecutive months and no more than 36 consecutive months. The supervisor's requirements are the following:

1. Be a licensed alcohol and drug counselor or other qualified professional as determined by the board.
2. Have 3 years of experience providing alcohol and drug counseling services.
3. Complete a minimum of 12 hours of training in clinical and ethical supervision, which may include course work, continuing education courses, workshops, or a combination of all.

[Minn. Stat. § 148F.04]

Summary of factual data and analytical methodologies:

The Department of Safety and Professional Services convened a substance abuse certification review committee to review current rules and make recommendations. No additional factual data or analytical methodologies were used to develop the proposed rules.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Office of Chief Legal Counsel, 4822 Madison Yards Way, P.O. Box 14497, Madison, Wisconsin 53708-0497; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. SPS 160.015 (1) is repealed and recreated to read:

SPS 160.015 (1) USE OF TITLE. Except as consistent with sub. (2), a person may use the title "addiction counselor," "substance abuse counselor," "alcohol and drug counselor," "substance use disorder counselor" or "chemical dependency counselor" only if the individual is certified as a substance abuse counselor, or as a clinical substance abuse counselor under s. 440.88, Stats.

SECTION 2. SPS 160.015 (2) (a) and (b) are amended to read:

SPS 160.015 (2) (a) A physician, as defined in s. 448.01 (5), Stats., who practices as a ~~substance abuse~~ clinical supervisor or provides substance ~~abuse~~ use disorder counseling, treatment, or prevention services within the scope of ~~his or her~~ their licensure.

(b) A clinical social worker, as defined in s. 457.01 (1r), Stats., who practices as a ~~substance abuse~~ clinical supervisor or provides substance ~~abuse~~ use disorder counseling, treatment, or prevention services within the scope of ~~his or her~~ their licensure.

SECTION 3. SPS 160.015 (2) (bg) and (br) are created to read:

SPS 160.015 (2) (bg) An advanced practice social worker, as defined in s. 457.01 (1c), Stats., who provides substance use disorder counseling, treatment, or prevention services within the scope of their licensure.

(br) An independent social worker, as defined in s. 457.01 (2g), Stats., who provides substance use disorder counseling, treatment, or prevention services within the scope of their licensure.

SECTION 4. SPS 160.015 (2) (c) and (d) are amended to read:

SPS 160.015 (2) (c) A licensed psychologist, as defined in s. 990.01 (31m), Stats., who practices as a ~~substance abuse~~ clinical supervisor or provides substance ~~abuse~~ use disorder counseling, treatment, or prevention services within the scope of ~~his or her~~ their licensure.

(d) A marriage and family therapist, as defined in s. 457.01 (3), ~~or a professional counselor, as defined in s. 457.01 (7),~~ who practices as a ~~substance abuse~~ clinical supervisor or provides substance ~~abuse~~ use disorder counseling, treatment, or prevention services within the scope of ~~his or her~~ their licensure.

SECTION 5. SPS 160.015 (2) (dm) is created to read:

SPS 160.015 (2) (dm) A professional counselor, as defined in s. 457.01 (7), Stats., who practices as a clinical supervisor or provides substance use disorder counseling, treatment, or prevention services within the scope of their licensure.

SECTION 6. SPS 160.015 (2) (e) is amended to read:

SPS 160.015 (2) (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 nonsubstance use disorder issues of a person, when performed by a mental health provider practicing within the scope of ~~his or her~~ their credential.

SECTION 7. SPS 160.02 (2) and (3) (e) are amended to read:

SPS 160.02 (2) "Assessment" means the process and procedures by which a counselor or service identifies and evaluates an individual's strengths, weaknesses, problems and needs in order to develop a treatment plan for the individual based on an approved placement criteria as defined in s. DHS 75.03 (4).

(3) (e) Social work, as defined in s. 457.01 (9), Stats.

SECTION 8. SPS 160.02 (4) is repealed.

SECTION 9. SPS 160.02 (6) is amended to read:

(6) “Clinical supervision” means a specific and definitive process of oversight of a counselor's professional development in the didactic, experiential and application of the transdisciplinary foundations, and practice dimensions including core functions. Supervision takes place ~~in intermittent in person contact~~ between a clinical supervisor and a counselor provided on or off the site of a service to ensure that each patient has an individualized treatment plan and is receiving quality care. A primary purpose of “clinical supervision” is to ensure quality patient care.

SECTION 10. SPS 160.02 (7) is repealed and recreated to read:

SPS 160.02 (7) “Clinical supervisor” means an individual who practices or has training in substance use disorder clinical supervision; provides substance use disorder counseling, treatment, or prevention services within the scope of their credential; and holds an unencumbered and active credential in good standing granted by the department or respective examining board as one of the following:

- (a)** A certified clinical supervisor in training, except as provided in s. SPS 162.03 (3).
- (b)** A certified intermediate or independent clinical supervisor.
- (c)** A licensed physician.
- (d)** A licensed clinical social worker.
- (e)** A licensed psychologist.
- (f)** A licensed marriage and family therapist.
- (g)** A licensed professional counselor.

SECTION 11. SPS 160.02 (9) is created to read:

SPS 160.02 (9) “Continuing education credit hour” means 50 minutes of instruction or participation spent by the credential holder in actual attendance or completion of an approved educational activity.

SECTION 12. SPS 160.02 (11) is amended to read:

(11) “Credential” ~~means a certificate or license granted by the department~~ has the meaning given in s. 440.01 (2) (a), Stats.

SECTION 13. SPS 160.02 (13m) is created to read:

SPS 160.02 (13m) “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of substance use disorder counseling imposed by the department or respective examining board.

SECTION 14. SPS 160.02 (15) is repealed.

SECTION 15. SPS 160.02 (25) is amended to read:

(25) ~~“Substance” means a psychoactive agent or chemical which principally affects the central nervous system and alters mood or behavior~~ has the meaning given in s. DHS 75.03 (84).

SECTION 16. SPS 160.02 (29) and (30) are created to read:

SPS 160.02 (29) “Substance use disorder counselor” means the holder of any credential issued by the department pursuant to s. 440.88, Stats., or issued by any Wisconsin accrediting board and practicing substance use disorder counseling within the scope of their credential.

(30) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

SECTION 17. SPS 160.03 is repealed.

SECTION 18. SPS 160.04 is created to read:

SPS 160.04 Telehealth practice.

(1) A person who uses telehealth in the diagnosis and treatment of a patient located in this state shall be credentialed to practice by the department.

(2) A person credentialed by the department located in this state treating patients via telehealth, who are not physically located in this state at the time of treatment, must comply with the regulations in the state the patient is physically located at the time of treatment.

(3) A person credentialed by the department shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

(4) A person credentialed by the department who provides substance use disorder counseling services by telehealth is responsible for the quality and safe use of equipment and technology that is integral to patient diagnosis and treatment. The equipment and technology used to provide substance use disorder counseling services by telehealth shall be compliant with HIPAA regulations as established in 45 CFR 160 and 164, as of January 2026, and provide, at a minimum, information that will enable the substance use disorder counselor to meet or exceed the standard of minimally competent counseling practice.

SECTION 19. SPS 161.01 (1) is amended to read:

SPS 161.01 (1) ~~An~~ A complete application form.

SECTION 20. SPS 161.01 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 21. SPS 161.01 (4), (5), and (6) are amended to read:

SPS 161.01 (4) Evidence of completion of 100 hours of substance use disorder specialized education through a postsecondary institution, ~~department-approved continuing education~~, or department-approved education program. The 100 hours shall be in all of the following:

(5) 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 under the supervision of a clinical supervisor approved by the department prior to the start of the supervised practice.

(6) 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 ~~abuse~~ use disorder counseling.

SECTION 22. SPS 161.02 (1) is amended to read:

SPS 161.02 (1) ~~An~~ A complete application form.

SECTION 23. SPS 161.02 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 24. SPS 161.02 (6) is repealed and recreated to read:

SPS 161.02 (6) Evidence of completion of 3,000 hours of work experience performing the practice dimensions supervised by a clinical supervisor and while holding a valid in-training license. Any 1,500 of the total 3,000 hours of work experience shall be completed within the 5 years immediately preceding the date of application. The 3,000 hours shall also include a minimum of 1,500 hours providing substance use disorder counseling, of which at least 500 hours is in a one-on-one individual modality setting.

SECTION 25. SPS 161.02 (6m) is created to read:

SPS 161.02 (6m) An applicant who has completed any portion of substance use disorder treatment work experience in another state shall be given credit for those hours obtained provided the hours meet the requirements of sub. (6). If the work experience was completed under the supervision of an individual who did not take the National Association for Alcoholism and Drug Abuse Counselors' NCAC I exam, an applicant shall provide evidence of completion of required work experience hours supervised by an individual who passed the International Certification & Reciprocity Consortium prior to May 1, 2018.

SECTION 26. SPS 161.02 (7) is amended to read:

SPS 161.02 (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 ~~abuse~~ use disorder counseling.

SECTION 27. SPS 161.02 (8) is created to read:

SPS 161.02 (8) An applicant who holds an active credential listed in s. 440.88 (3m), Stats., may count hours of practice gained under that credential that otherwise meets the requirements of sub. (6) regardless of whether the applicant held a substance abuse-in-training credential or received supervision from a clinical supervisor.

SECTION 28. SPS 161.03 (1) is amended to read:

SPS 161.03 (1) ~~An~~ A complete application ~~form~~.

SECTION 29. SPS 161.03 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 30. SPS 161.03 (7) is amended to read:

SPS 161.03 (7) Evidence of completion of 5,000 hours of work experience performing the practice dimensions, supervised by ~~an individual under ch. SPS 162~~ a clinical supervisor. Any 2,500 hours of the total 5,000 hours of work experience shall be completed within the 5 years immediately preceding the date of application. The 5,000 hours shall also include a minimum of 2,500 hours providing substance use disorder counseling, of which at least 800 hours is in a one-on-one individual modality setting. The hours may include any work experience hours obtained as a requirement of the substance abuse counselor credential.

SECTION 31. SPS 161.03 (7m) is created to read:

SPS 161.03 (7m) An applicant who has completed any portion of substance use disorder treatment work experience in another state shall be given credit for those hours obtained provided the hours meet the requirements of sub. (7). If the work experience was completed under the supervision of an individual who did not take the National Association for Alcoholism and Drug Abuse Counselors' NCAC I exam, an applicant shall provide evidence of completion of required work experience hours supervised by an individual who passed the International Certification & Reciprocity Consortium prior to May 1, 2018.

SECTION 32. SPS 161.03 (8) is amended to read:

SPS 161.03 (8) 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 abuse use disorder counseling.

SECTION 33. SPS 161.03 (9) is created to read:

SPS 161.03 (9) An applicant who holds an active credential listed in s. 440.88 (3m), Stats., may count hours of practice gained under that credential that otherwise meets the requirements of sub. (7) regardless of whether the applicant held a substance abuse-in-training credential or received supervision from a clinical supervisor.

SECTION 34. SPS 161.04 (1) is amended to read:

SPS 161.04 (1) ~~An~~ A complete application form.

SECTION 35. SPS 161.04 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 36. SPS 161.04 (3) and (4) (a) and (b) are amended to read:

SPS 161.04 (3) Evidence of current employment, a written offer of employment, or an agreement authorizing volunteer hours under the supervision of a clinical supervisor approved by the department prior to the start of the supervised practice as a clinical supervisor of counselors providing substance use disorder treatment services who are certified under s. 440.88, Stats., or licensed under s. ~~ss.~~ ss. 457.08 (4), 457.10, ~~457.11~~, 457.12, ~~457.13~~, or 457.14 (1) (d) to (f), Stats.

(4) (a) Holding an active clinical substance abuse counselor credential for at least 2 years.

(b) Holding an active license under s. ~~ss.~~ ss. 457.08 (4), 457.10, ~~457.11~~, 457.12, ~~457.13~~, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.

SECTION 37. SPS 161.04 (5) is created to read:

(5) 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.

SECTION 38. SPS 161.05 (1) is amended to read:

SPS 161.05 (1) ~~An~~ A complete application form.

SECTION 39. SPS 161.05 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 40. SPS 161.05 (3) (b) and (4) are amended to read:

SPS 161.05 (3) (b) A license under ~~s. ss.~~ ss. 457.08 (4), 457.10, ~~457.11~~, 457.12, ~~457.13~~, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.

(4) Evidence of at least one year of clinical supervisory experience as a supervisor-in-training ~~or intermediate supervisor~~ within the last 5 years as the supervisor of counselors certified under s. 440.88, Stats., or having a license under ~~s. ss.~~ ss. 457.08 (4), 457.10, ~~457.11~~, 457.12, ~~457.13~~, or 457.14 (1) (d) to (f), Stats.

SECTION 41. SPS 161.05 (5) (a) is repealed.

SECTION 42. SPS 161.05 (7) is created to read:

SPS 161.05 (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.

SECTION 43. SPS 161.06 (1) is amended to read:

SPS 161.06 (1) ~~An~~ A complete application form.

SECTION 44. SPS 161.06 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 45. SPS 161.06 (4) is created to read:

SPS 161.06 (4) 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.

SECTION 46. SPS 161.07 (1) is amended to read:

SPS 161.07 (1) ~~An~~ A complete application form.

SECTION 47. SPS 161.07 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 48. SPS 161.07 (5) is created to read:

SPS 161.07 (5) 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.

SECTION 49. SPS 161.08 (intro), (1), and (3) are amended to read:

SPS 161.08 Reciprocity. An applicant holding a current credential in good standing as a substance abuse counselor, clinical substance abuse counselor, clinical supervisor, or prevention specialist or its equivalent in another state or U.S. territory with requirements for the credential that are not lower than specified in this chapter shall submit all of the following:

(1) ~~An~~ A complete application form.

(3) 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 ~~abuse~~ use disorder counseling.

SECTION 50. SPS 161.08 (1) (Note) is created to read:

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 51. SPS 161.08 (4) is amended to read:

SPS 161.08 (4) For applicants who have had disciplinary or adverse action taken on their substance abuse counselor, clinical substance abuse counselor, clinical supervisor, or prevention specialist credential or its equivalent, all related information necessary for the department to determine whether the circumstances of the disciplinary action or adverse action warrant denial of the application.

SECTION 52. SPS 161.09 is created to read:

SPS 161.09 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice as a substance abuse counselor, clinical supervisor, or prevention specialist shall be granted to a service member, former service member, or the spouse of a service member or former service member who the department determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the department may request verification necessary to make a determination under this section.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 53. Chapter SPS 162 is repealed and recreated to read:

Chapter SPS 162

SUPERVISED PRACTICE

SPS 162.01 Required supervision.

(1) Except as provided in s. SPS 162.03 (3), clinical supervisors shall exercise supervisory responsibility over substance abuse counselors-in-training, substance abuse counselors, clinical substance abuse counselors, clinical supervisors-in-training and intermediate clinical supervisors in regard to all activities listed in s. SPS 162.02 (2) and shall provide a minimum of:

(a) Two hours of clinical supervision for every 40 hours of work performed by a substance abuse counselor-in-training.

(b) Two hours of clinical supervision for every 40 hours of counseling provided by a substance abuse counselor.

(c) One hour of clinical supervision for every 40 hours of counseling provided by a clinical substance abuse counselor.

(d) One meeting 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).

(e) One hour of clinical supervision for every 40 hours of counseling provided by a clinical supervisor-in-training.

(2) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions shall meet all of the following:

(a) The group shall consist of no more than 6 persons for every one person providing supervision.

(b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision but may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session.

(c) A supervision session for a group or individual which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session, not including social activities.

SPS 162.02 Supervised practice.

(1) Except as provided in s. SPS 162.03 (3), clinical supervision may be provided by a clinical supervisor as defined in s. SPS 160.02 (7).

(2) A period of supervised practice of substance use disorder counseling shall include the performance of the practice dimensions and practice in each of the following activities:

(a) Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual.

(b) Developing plans or policies to alleviate those difficulties.

(c) Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(d) Counselor development including professional responsibility.

(3) Methods of supervision may include:

(a) Auditing of patient files.

(b) Case review and discussion of active cases.

(c) Direct observation of treatment.

(d) Video or audio review and observation of the counselor's professional interaction with patients and staff.

(4) CLINICAL SUPERVISOR RESPONSIBILITIES. The clinical supervisor's responsibilities include all of the following:

(a) Permitting a supervisee to engage in only substance use disorder counseling services the supervisor can competently perform.

(b) Being available or making appropriate provision for emergency consultation or intervention.

(c) Being legally and ethically responsible for the supervised activities of the supervisee.

(d) Being 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.

(e) Being able to terminate the supervised relationship.

(5) 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 continuity of quality patient care.

(6) Supervision may be performed in person or remotely by means of audio, telephone, video, or data communications.

SPS 162.03 Prohibited practices.

(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.

(3) A clinical supervisor-in-training shall not supervise a credential holder acquiring supervised experience as a clinical supervisor-in-training.

(4) The clinical supervisor shall not permit a supervisee to engage in any practice that the supervisee or the clinical supervisor is not competent to perform.

(5) The clinical supervisor shall not sign off on supervised experience that the clinical supervisor did not directly supervise. The department may on a case-by-case basis review supervised experience accrued under a clinical supervisor who is no longer available to sign off the supervised experience of the applicant due to extraordinary circumstances including, but not limited to, death of the supervisor or unplanned relocation of the supervisor.

SECTION 54. Chapter SPS 164 (title) is amended to read:

Chapter SPS 164

**UNPROFESSIONAL CONDUCT SUBSTANCE ABUSE PROFESSIONALS USE
DISORDER COUNSELORS**

SECTION 55. SPS 164.01 (1) is repealed.

SECTION 56. SPS 164.01 (2) (b), (Note), (c), (d), (f), (fm), (g), (h), (i), (n), (r), (t), (u), (v), and (x) are amended to read:

SPS 164.01 (2) (b) Violating, or aiding and abetting a violation of, any law or rule substantially related to practice as a substance ~~abuse professional~~ use disorder counselor. A certified copy of a judgment of conviction is prima facie evidence of a violation.

Note: Pursuant to s. SPS 4.09, all credential holders licensed by the department need to report a criminal conviction within 48 hours after entry of a judgment against them. ~~The department form for reporting convictions is available on the department's web site at <http://dsps.wi.gov/Home>.~~ Instructions on how to report can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(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~~ use disorder counselor, 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~~ use disorder counselor has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

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

(fm) Allowing students or supervisees to perform services for which the substance ~~abuse professional~~ use disorder counselor is not qualified by education, training, or experience to perform.

(g) Practicing or attempting to practice while the substance ~~abuse professional~~ use disorder counselor is impaired as a result of any illness that impairs the substance ~~abuse professional~~ use disorder counselor's ability to appropriately carry out ~~his or her~~ their 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~~ use disorder counselor to safely or reliably practice, or practicing or attempting to practice while the substance ~~abuse professional~~ use disorder counselor 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~~ use disorder counselor, including advertising, billing practices, or reporting or falsifying or inappropriately altering patient records.

(n) Failing to avoid dual relationships or relationships that may impair the substance ~~abuse~~ professional use disorder counselor's objectivity or create a conflict of interest 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 use disorder counselor for referral to or for any use of service, product or publication.

(t) Failing to maintain adequate records relating to services provided a patient in the course of a professional relationship. The substance use disorder counselor shall maintain patient health care records on every patient administered to for a period of not less than 7 years after the date of the last entry, or for such longer period as may be otherwise required by law.

(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 use disorder counselor.

(v) Engaging in a single act of gross negligence or in a pattern of negligence as a substance-~~abuse~~ professional use disorder counselor.

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

SECTION 57. SPS 164.01 (2) (z) is created to read:

SPS 164.01 (2) (z) Withholding documentation, or approval for submission, of a supervisee's substance use disorder treatment work experience hours required to obtain a credential.

SECTION 58. SPS 164.02 is created to read:

SPS 164.02. Telehealth. The standards of practice and professional conduct under this chapter apply whether the health care service is provided in person or by telehealth.

SECTION 59. SPS 166.01 (title) and (1) (c) 1. c. are amended to read:

SPS 166.01 (title) Approval of substance ~~abuse~~ use disorder counselor education.

(1) (c) 1. c. A license under ~~s. ss.~~ ss. 457.08 (4), 457.10, ~~457.11~~, 457.12, ~~457.13~~, or 457.14 (1) (d) to (f), Stats.

SECTION 60. SPS 166.02 (2) is amended to read:

SPS 166.02 (2) ~~The Wisconsin Association of Alcohol and Drug Abuse Recovery and Addiction Professionals of Wisconsin.~~

SECTION 61. SPS 166.02 (4), (5), and (6) are repealed.

SECTION 62. SPS 167.01 (1) and (2) are amended to read:

SPS 167.01 (1) Except as provided in sub. (2), a person certified under s. 440.88, Stats., shall not practice substance use disorder counseling ~~unless he or she has in effect~~ without active professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing substance use disorder counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties ~~for which he or she is employed~~ for which they are employed and is solely within the confines of or under the jurisdiction of the agency ~~by which he or she is employed~~ that employs them.

SECTION 63. SPS 168.01 (1), (3) and (4) are amended to read:

SPS 168.01 (1) Unless granted a postponement or waiver of the continuing education requirements under s. SPS 168.03, a substance ~~abuse~~ use disorder counselor or prevention specialist shall complete 30 continuing education credit hours in approved continuing education programs during each 2-year credential period and shall certify on the renewal application that all required continuing education was completed.

(3) A credential holder who also holds an active license granted under ~~s. ss.~~ 457.08 (2) to (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) ~~(d) (b)~~ to (f), Stats., may satisfy the continuing education requirements by meeting the continuing education requirements under s. 457.22, Stats.

(4) A clinical supervisor shall complete 4 hours of continuing education each 2-year credential period related to the supervision of substance ~~abuse~~ use disorder counselors. The 4 hours completed under this subsection may count toward the continuing education required for renewal of a clinical substance abuse counselor certification.

SECTION 64. SPS 168.02 (1) (intro) is amended to read:

SPS 168.02 (1) (intro) A continuing education program is approved if it is relevant to the practice of substance ~~abuse~~ use disorder counseling and any of the following applies:

SECTION 65. SPS 168.02 (1) (a) 7. is repealed.

SECTION 66. SPS 168.02 (1) (a) 14., 15., and 16. are created to read:

SPS 168.02 (1) (a) 14. The Wisconsin Counseling Association.

15. The American Counseling Association.

16. The American Mental Health Counselors Association.

SECTION 67. SPS 168.02 (2) (a) (intro) and 1. are amended to read:

SPS 168.02 (2) (a) (intro) A person may earn continuing education credit hours for engaging in any of the following activities, if the activity is relevant to the practice of substance ~~abuse~~ use disorder counseling:

1. Presenting professional material. One continuing education credit hour is earned under this subdivision for each hour of a continuing education presentation, except that 15 credit hours are earned for presenting a semester-long educational course. No continuing education credit hours are earned by a person for repeating a presentation for which the person has previously earned continuing education credit hours. A person who presents for any of the following may earn continuing education credit hours under this subdivision:

SECTION 68. 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)

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Date: 2/12/2026



Secretary
Department of Safety and Professional Services