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**PSYCHOLOGY EXAMINING BOARD MEETING**  
**Room 121A, 1400 East Washington Avenue, Madison, WI**  
**Contact: Dan Williams (608) 266-2112**  
**November 29, 2016**

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

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Meeting Minutes of August 25, 2016 (4-6)**
- C. 9:00 A.M. PUBLIC HEARING – Clearinghouse Rule 16-062, Relating to the Licensure of Private Practice School Psychologists (7-14)**
  - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments**
- D. Legislation and Administrative Rule Matters – Discussion and Consideration (15-80)**
  - 1) Proposal for Psy 5 Relating to Conduct
  - 2) LRB-482 Draft
  - 3) Update on Legislation and Pending or Possible Rulemaking Projects
- E. Administrative Matters – Discussion and Consideration**
  - 1) Staff Update
  - 2) Board Members – Term Expiration Date
    - a. Rebecca Anderson – 7/1/2018
    - b. Marcus Desmonde – 7/1/2017
    - c. Daniel Schroeder – 7/1/2015 (*reappointed, not yet confirmed*)
    - d. David Thompson – 7/1/2018
    - e. Christopher Gultch – 7/1/2018 (*appointed, not yet confirmed*)
    - f. Public Member: Vacant since 2012
- F. Items Received After Preparation of the Agenda**
  - 1) Introductions, Announcements and Recognition
  - 2) Election of Board Officers
  - 3) Appointment of Board Liaisons
  - 4) Administrative Matters
  - 5) Education and Examination Matters
  - 6) Credentialing Matters
  - 7) Practice Matters
  - 8) Legislation/Administrative Rule Matters
  - 9) Liaison Report(s)
  - 10) Informational Items

- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decision and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

**G. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**H. Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) *Proposed Stipulations, Final Decisions and Orders*
  - a. 14 PSY 005 (B.L.H.) **(81-86)**
  - b. 15 PSY 014 (K.B.W.) **(87-94)**
  - c. 16 PSY 006 (W.F.F.) **(95-100)**
  - d. 16 PSY 008 (W.A.S.) **(101-106)**
- 2) Case Closures
- 3) Monitoring

**I. Deliberation on Credentialing Matters**

**J. Deliberation of Items Received After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decisions and Orders
- 12) Matters Related to Costs/ Orders Fixing Costs
- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders

- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearings
- 20) Appearances from Requests Received or Renewed

**K.** Consulting with Legal Counsel

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

**ADJOURNMENT**

The next scheduled meeting is February 1, 2017

**PSYCHOLOGY EXAMINING BOARD  
MEETING MINUTES  
AUGUST 25, 2016**

**PRESENT:** Rebecca Anderson, Ph.D.; Marcus Desmonde, Psy.D.; Christopher Gultch; Daniel Schroeder, Ph.D.

**EXCUSED:** David Thompson, Ph.D.

**STAFF:** Dan Williams - Executive Director; Sharon Henes – Administrative Rules Coordinator; Nilajah Hardin – Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Daniel Schroeder, Chair, called the meeting to order at 9:05 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Item B is Amended to Read: Approval Of Meeting Minutes of February 3, 2016 and July 22, 2016*
- *Remove Item D. 2) “Election Of Officers”*

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MEETING MINUTES**

***FEBRUARY 3, 2016***

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to approve the minutes of February 3, 2016 as published. Motion carried. Abstained: Christopher Gultch

***JULY 22, 2016***

**MOTION:** Rebecca Anderson moved, seconded by Marcus Desmonde, to approve the minutes of July 22, 2016 as published. Motion carried. Abstained: Christopher Gultch

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**Psy 3 Relating to the Private Practice of School Psychologists**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to authorize the Chair to approve the preliminary rule draft of Psy 3 relating to the Private Practice of School Psychologists for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## **Psy 2 Implementation Update**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, that applicants who have completed one year of psychological experience by September 1, 2016, based on the date of degree requirements completed, may be granted a license if all other licensure requirements are met. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Marcus Desmonde moved seconded by Christopher Gultch, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Daniel Schroeder read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rebecca Anderson-yes; Marcus Desmonde-yes; Christopher Gultch; Daniel Schroeder-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:54 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:27 p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Christopher Gultch moved, seconded by Rebecca Anderson, to affirm all motions made in closed session. Motion carried unanimously.

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Administrative Warnings**

#### **15 PSY 002 – C.L.S.**

**MOTION:** Marcus Desmonde moved, seconded by Christopher Gultch, to issue an Administrative Warning in the matter of 15 PSY 002 (C.L.S.). Motion carried. Recused: Rebecca Anderson

*(Rebecca Anderson recused herself and left the room for deliberation and voting in the matter of 15 PSY 002 (C.L.S.).)*

**15 PSY 013 – A.D.W.**

**MOTION:** Marcus Desmonde moved, seconded by Christopher Gultch, to issue an Administrative Warning in the matter of 15 PSY 013 (A.D.W.). Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders**

**15 PSY 022 – J.R.G.**

**MOTION:** Marcus Desmonde moved, seconded by Christopher Gultch, to adopt the Findings of Fact, Conclusions of Law and Remedial Education Order in the matter of disciplinary proceedings against John R. Gielow, Ph.D., DLSC case number 15 PSY 022. Motion carried unanimously.

**15 PSY 036 – S.K.J.**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Sandra K. Johnston, Ph.D., DLSC case number 15 PSY 036. Motion carried unanimously.

**Case Closures**

**MOTION:** Rebecca Anderson moved, seconded by Marcus Desmonde, to close the DLSC cases for the reasons outlined below:

1. 15 PSY 018 – Insufficient Evidence
2. 15 PSY 025 – No Violation
3. 16 PSY 005 – Prosecutorial Discretion (P2)

Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Rebecca Anderson moved, seconded by Christopher Gultch, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:30 p.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  16 November 2016  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  Psychology Examining Board			
4) Meeting Date:  29 November 2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 16-062 relating to the licensure of private practice school psychologists</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 9:00 a.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center; width: 45%;"> <p style="font-size: 1.2em; font-style: italic;"><b>Sharon Henes</b></p> <hr/> <p>Signature of person making this request</p> </div> <div style="text-align: center; width: 45%;"> <p style="font-size: 1.2em; font-style: italic;"><b>16 November 2016</b></p> <hr/> <p>Date</p> </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%;"> <p>Supervisor (if required)</p> </div> <div style="width: 45%;"> <p>Date</p> </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%;"> <p>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</p> </div> <div style="width: 45%;"> <p>Date</p> </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD  
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Psychology Examining Board to repeal Psy 3.02, 3.03, 3.04, 3.05, 3.06, 3.08, 3.09 and 3.10; to repeal and recreate Psy 3.01 and 3.07 relating to the licensure of private practice school psychologists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 455.04 and 455.045, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 455.08, Stats.

**Explanation of agency authority:**

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

The examining board shall adopt such rules as are necessary under this chapter. [s. 455.08, Stats.]

**Related statute or rule:**

**Plain language analysis:**

The Board updated the rules to conform to statutory requirements and remove obsolete provisions.

Section 1 repeals and recreates the requirements for licensure to align the requirements with statutes. An applicant shall submit: an application; fee; official transcript with a doctoral degree in philosophy, psychology or education or master's degree in psychology consisting of a minimum of 60 graduate credits or an education specialist degree; one academic year of experience or internship; holds a school psychologist license from Department of Public Instruction; successful completion of the Praxis School Psychology and jurisprudence

examinations; and any information relating to a pending criminal charge or conviction of a crime.

Section 2 repeals Psy 3.02 and 3.03 due to being redundant with the new section Psy 3.01. This section also repeals Psy 3.04, 3.05 and 3.06 due to obsolete examination procedures. The Board does not schedule either examination nor places any time limits or controls on the examinations. Chapter SPS 1 addresses procedures for cheating on examinations.

Section 3 indicates the passing score on the examinations represents minimum competency and the board may adopt the examination provider's recommended passing score.

Section 3 repeals Psy 3.08, 3.09 and 3.10. The review and error procedures are obsolete. The Board is removing restrictions relating to limits and frequency a person may take an examination.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have a credential for the private practice of school psychology.

**Iowa:** Iowa does not have a separate credential for the private practice of school psychology. It is considered under the scope of the credential issued by the department of education.

**Michigan:** Michigan does not have a credential for the private practice of school psychology.

**Minnesota:** Minnesota does not have a credential for the private practice of school psychology.

**Summary of factual data and analytical methodologies:**

The Board conformed the rule to the statutory requirements.

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

This rule was posted for economic comments and none were received.

**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 Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the hearing to be held on November 29, 2016 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Psy 3.01 is repealed and recreated to read:

**Psy 3.01 Application.** An applicant for licensure as a private practice school psychologist shall submit all of the following:

- (1) Completed and signed application form.
- (2) The application fee authorized by s. 440.05(1), Stats.
- (3) Official transcript indicating one of the following:
  - (a) Doctoral degree in philosophy.
  - (b) Doctoral degree in psychology.
  - (c) Doctoral degree in education.
  - (d) Education specialist degree.
  - (e) Master's degree in psychology consisting of a minimum of 60 graduate semester credits.
- (4) Written verification from a supervising psychologist, school official or administrator that the applicant has successfully completed one academic year of experience or internship consisting of at least 1200 hours in school psychology under the supervision of a school psychologist licensed by the department of public instruction.
- (5) Evidence applicant holds a regular license as a school psychologist issued by the department of public instruction.
- (6) Evidence of successful completion of the Praxis School Psychology examination. This section does not apply to an applicant who is licensed in another state if the applicant submits proof of completion of at least 40 hours of board approved continuing education obtained within 2 years prior to application.
- (7) Evidence of successful completion of the jurisprudence examination.
- (8) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

(9) For applicants who have a pending criminal charge or have been convicted of a crime, all information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the private practice of school psychology.

SECTION 2. Psy 3.02, 3.03, 3.04, 3.05 and 3.06 repealed.

SECTION 3. Psy 3.07 is repealed and recreated to read:

**Psy 3.07 Passing score.** The passing score on each examination is determined by the board to represent minimum competence. The board may adopt the recommended passing score of the examination provider.

SECTION 4. Psy 3.08, 3.09 and 3.10 are repealed.

SECTION 5. 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.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis  
 Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number  
Psy 3

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3. Subject  
Licensure of Private Practice School Psychologists

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4. 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	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule  
 No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)  
 State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?  
 Yes    No

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9. Policy Problem Addressed by the Rule  
Wisconsin 2013 Act 114 allows an applicant to take any required examination prior to graduation. This proposed rule updates the rule to reflect the change in statute. The chapter contains outdated practices and procedures, as well as provisions which go beyond statutory authority. This proposed rule updates the licensure and examination requirements.

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10. 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.  
This rule was posted for economic comments for a period of 14 days and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.  
None.

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12. 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)  
This rule does not have an economic and fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the State's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
The benefit to implementing the rule is to conform to statutory requirements and current standards of the profession.

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14. Long Range Implications of Implementing the Rule  
The long range implication is clarity within the rule and conformity with the statutes.

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15. Compare With Approaches Being Used by Federal Government  
None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Our surrounding states do not have a credential for the private practice of school psychology.

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17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 16-062

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### 1. Statutory Authority

a. It is not clear why the analysis section says the rules are being updated to “conform to” and “align” with the statutes when the statutes being interpreted have not changed. The board could consider whether a different explanation of the reason for the proposed changes would be clearer.

b. The proposed rule removes s. Psy 3.04 regarding scheduling and notice of exams. Section 455.045 (3), Stats., states the board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance of examinations. It does not appear that the regulations as proposed establish standards for public notice of examinations.

#### 2. Form, Style and Placement in Administrative Code

a. A comment should be added to the “Related statute or rule” section of the analysis. If there is no information, the text should state that there is no information. [s. 1.02 (2), Manual.]

b. The board could consider adding an initial applicability clause after the text of the rule and before the effective date section. The clause could state: “This rule first applies to license applications that are submitted on the effective date of this rule.” [s. 1.02 (3m), Manual.]

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section Psy 3.01 (5) should be reworded for clarity to state the applicant shall submit “Evidence that the applicant holds a regular license...”.

b. The examinations required in s. Psy 3.01 (6) and (7) are not clearly identified. Consider referring to the examinations identified in the statutes. In s. Psy 3.01 (6), consider referring to the exam identified in s. 445.045 (2) (a), Stats. In s. Psy 3.01 (7), consider referring to the examination identified in s. 445.045 (2) (b), Stats.

c. Section Psy 3.01 (9) does not state who decides what information is necessary for the board's determination. The board could consider rephrasing this section to require, for example, submission of "all information requested by the board to determine...".

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b>  16 November 2016  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  Psychology Examining Board			
<b>4) Meeting Date:</b>  29 November 2016	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislation and Rule Matters – Discussion and Consideration 1. Proposal for Psy 5 Relating to Conduct 2. LRB-482 Draft 3. Update on Pending and Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>16 November 2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## TEXT OF RULE

SECTION 1. Psy 5.01 (2) is amended to read:

Psy 5.01 (2) Gross negligence in the practice of psychology or private practice of school psychology.

SECTION 2. Psy 5.01 (2m) is created to read:

Psy 5.01 (2m) Engaging in conduct that falls below the standard of minimal competence within the practice of psychology or school psychology.

SECTION 3. Psy 5.01 (5) is amended to read:

**Psy 5.01 (5)** Conviction of a crime or violation of any law the circumstances of which substantially relate to the circumstances of the ~~professional~~ practice of psychology or private practice of school psychology.

SECTION 4. Psy 5.01 (8) is amended to read:

**Psy 5.01 (8)** Engaging in false, fraudulent, exploitative, misleading or deceptive billing practices.

SECTION 5. Psy 5.01 (12m) is created to read:

Psy 5.01 (12m) Failing to have protocols for security access to facts, data information, records or communication received from a client in a professional capacity.

SECTION 6. Psy 5.01 (17) is repealed and recreated to read:

Psy 5.01(17) Engaging in any prohibited dual relationship or any relationship which is reasonably likely to impair the licensee's objectivity in providing professional services.

SECTION 7. Psy 5.01 (24) is amended to read:

**Psy 5.01 (24)** Failure to respond honestly and in a timely manner to a request for information ~~from the board or with any other request for information~~ by the board. Taking longer than 30 days to respond creates a rebuttable presumption that the response is not timely.

SECTION 8. Psy 5.01 (25) is amended to read:

**Psy 5.01 (25)** ~~Impersonation~~ Appropriation of the identity of another person holding a license issued by this or another board.

SECTION 9. Psy 5.01 (28) is amended to read:

Psy 5.01 (28) Violation of ch. 455, Stats., or any rule of professional conduct promulgated under ~~ch. 455, Stats. promulgated by the board.~~

SECTION 10. Psy 5.01 (29) is amended to read:

**Psy 5.01 (29)** Failure to notify the board within 30 days of having a license, certificate, permit or registration ~~any disciplinary or adverse action taken by any other jurisdiction against a license, certificate, permit or registration granted by this or any other state~~ for the practice of psychology or school psychology ~~limited, restricted, suspended or revoked, or having been subject to other disciplinary action by the licensing or certifying authority thereof.~~

SECTION 11. Psy 5.01 (30) (c) is amended to read:

**Psy 5.01 (30) (c)** Failure to avoid a any dual relationship or any relationship which is reasonably likely to impair the licensee's objectivity in providing professional services.

SECTION 12. Psy 5.01 (32) is repeal and recreated to read:

**Psy 5.01 (32)** Having a credential granted by another jurisdiction to practice psychology or school psychology denied, limited, suspended, surrendered or revoked, or otherwise disciplined or adverse action taken, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 13. Psy 5.01 (33) (intro) is amended to read:

Psy 5.01 (33) (intro) Failure to maintain adequate records relating to services provided to a client in the course of a professional relationship. Each patient record entry shall be dated, shall identify the treating therapist, and shall be sufficiently legible to be understood and to allow interventions by other professionals. Unless records are subject to a different records retention policy by an entity with an obligation to maintain treatment records, a licensee shall retain treatment records for at least 7 years. ~~Such records shall contain all of the following:~~

SECTION 14. Psy 5.01 (33) (a) through (e) are repealed.

SECTION 15. Psy 5.01 (34) is amended to read:

**Psy 5.01 (34)** Violating any provision of ~~ch. 455, Stats., or any rule or an~~ order of any board or jurisdiction which regulates the practice of psychology or school psychology.

SECTION 16. Psy 5.02 is repealed.



## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**AN ACT** *to repeal* 455.01 (4), 455.01 (7), 455.07, 455.09 (1) (d), 455.09 (1) (f) and 455.09 (1) (h); *to renumber and amend* 455.01 (3), 455.03 and 455.08; *to amend* 48.375 (2) (c), 48.375 (4) (b) 1m., 49.45 (30f), 50.06 (4), 50.94 (8), 51.03 (6) (a), 51.15 (2), 51.30 (1) (b), 51.42 (7) (a) 7., 54.01 (27), 146.34 (1) (i), 146.89 (1) (r) 5m., 155.01 (7), 155.05 (2), 244.09 (3) (a), 252.14 (1) (ar) 6., 257.01 (1) (a), 257.01 (1) (b), 301.48 (6) (e), 440.08 (2) (a) (intro.), 440.88 (3m), 455.01 (3m), 455.08 (title), 455.09 (1) (intro.), 455.09 (1) (b), 455.09 (1) (g), 455.09 (3), 455.10, 455.11, 457.08 (4) (c) 3., 457.10 (3) (c), 457.12 (3) (a) 3., 457.12 (3) (b) 3., 632.89 (1) (e) 3., 895.441 (1) (b), 905.04 (1) (e), 939.615 (6) (e), 940.22 (1) (c) and 971.16 (1) (b); *to repeal and recreate* 455.01 (2), 455.01 (5), 455.01 (6), 455.02, 455.04, 455.045, 455.06, 455.065, 455.09 (title) and 632.895 (12m) (b) 2.; and *to create* 455.01 (1), 455.01 (1m), 455.01 (3r), 455.01 (5m), 455.025, 455.035, 455.09 (1) (i) and 455.095 of the statutes; **relating to:** the practice of psychology, requiring the exercise of rule-making authority, and providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 48.375 (2) (c) of the statutes is amended to read:

48.375 (2) (c) "Counselor" means a physician including a physician specializing in psychiatry, a ~~licensed~~ health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, or an ordained member of the clergy. "Counselor" does not include any person who is employed by or otherwise affiliated with a reproductive health care facility, a family planning clinic or a family planning agency; any person affiliated with the performance of abortions, except abortions performed to save the life of the mother; or any person who may profit from giving advice to seek an abortion.

**SECTION 2.** 48.375 (4) (b) 1m. of the statutes is amended to read:

48.375 (4) (b) 1m. A physician who specializes in psychiatry or a ~~licensed~~ health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the facts of the case before him or her, that the minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents, if the minor has been placed in a foster home and the minor's parent has signed a waiver granting the department, a county department, or the foster parent the authority to consent to medical services or treatment on behalf of the minor, for consent.

**SECTION 3.** 49.45 (30f) of the statutes is amended to read:

**49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES.**

The department shall include licensed mental health professionals, as defined in s. 632.89 (1) (dm), and ~~licensed health service psychologists, as defined in s. 455.01~~ (4) licensed under ch. 455, as providers of psychotherapy and of alcohol and other drug abuse services. Except for services provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse services to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient. This subsection does not affect the department's powers under ch. 50 or 51 to establish requirements for facilities that are licensed, certified, or operated by the department.

**SECTION 4.** 50.06 (4) of the statutes is amended to read:

**50.06 (4)** A determination that an individual is incapacitated for purposes of sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician and one ~~licensed health service psychologist, as defined in s. 455.01 (4)~~ licensed under ch. 455, who personally examine the individual and sign a statement specifying that the individual is incapacitated. Mere old age, eccentricity or physical disability, either singly or together, are insufficient to make a finding that an individual is incapacitated. Neither of the individuals who make

a finding that an individual is incapacitated may be a relative, as defined in s. 242.01 (11), of the individual or have knowledge that he or she is entitled to or has a claim on any portion of the individual's estate. A copy of the statement shall be included in the individual's records in the facility to which he or she is admitted.

**SECTION 5.** 50.94 (8) of the statutes is amended to read:

50.94 (8) A determination that a person is incapacitated may be made only by 2 physicians or by one physician and one ~~licensed~~ health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who personally examine the person and sign a statement specifying that the person is incapacitated. Mere old age, eccentricity or physical disabilities, singly or together, are insufficient to determine that a person is incapacitated. Whoever determines that the person is incapacitated may not be a relative, as defined in s. 242.01 (11), of the person or have knowledge that he or she is entitled to or has claim on any portion of the person's estate. A copy of the statement shall be included in the records of the incapacitated person in the hospice to which he or she is admitted.

**SECTION 6.** 51.03 (6) (a) of the statutes, as created by 2015 Wisconsin Act 294, is amended to read:

51.03 (6) (a) In this subsection, "licensed treatment professional" means a physician who has completed a residence in psychiatry; a health service psychologist ~~or a private practice school psychologist~~ licensed under ch. 455; a marriage and family therapist licensed under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an advanced practice social worker granted a certificate under s. 457.08 (2); an independent social worker licensed

under s. 457.08 (3); a clinical social worker licensed under s. 457.08 (4); or any of these individuals practicing under a currently valid training or temporary license or certificate granted under applicable provisions of ch. 457. "Licensed treatment professional" does not include an individual whose license or certificate is suspended, revoked, or voluntarily surrendered, or whose license or certificate is limited or restricted, when practicing in areas prohibited by the limitation or restriction.

**SECTION 7.** 51.15 (2) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

**51.15 (2) FACILITIES FOR DETENTION.** The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8). The county department may approve the detention only if a physician who has completed a residency in psychiatry, a health service psychologist licensed under ch. 455, or a mental health professional, as determined by the department, has performed a crisis assessment on the individual and agrees with the need for detention and the county department reasonably believes the individual will not voluntarily consent to evaluation, diagnosis, and treatment necessary to stabilize the individual and remove the substantial probability of physical harm, impairment, or injury to himself, herself, or others. For purposes of this

subsection, a crisis assessment may be conducted in person, by telephone, or by telemedicine or video conferencing technology. Detention may only be in a treatment facility approved by the department or the county department, if the facility agrees to detain the individual, or a state treatment facility.

**SECTION 8.** 51.30 (1) (b) of the statutes is amended to read:

51.30 (1) (b) "Treatment records" include the registration and all other records that are created in the course of providing services to individuals for mental illness, developmental disabilities, alcoholism, or drug dependence and that are maintained by the department; by county departments under s. 51.42 or 51.437 and their staffs; by treatment facilities; or by health service psychologists licensed under s. ~~455.04 (1)~~ ch. 455 or licensed mental health professionals who are not affiliated with a county department or treatment facility. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or records are not available to others.

**SECTION 9.** 51.42 (7) (a) 7. of the statutes is amended to read:

51.42 (7) (a) 7. Develop a program in consultation with the department of safety and professional services to use voluntary, uncompensated services of licensed or certified professionals to assist the department of health services in evaluating community mental health programs in exchange for ~~continuing education~~ **professional development** credits for the professionals under ss. 448.40 (2) (e) and 455.065 ~~(5)~~ (4) (g) 1.

**SECTION 10.** 54.01 (27) of the statutes is amended to read:

54.01 (27) "Psychologist" means a ~~licensed~~ health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455.

**SECTION 11.** 146.34 (1) (i) of the statutes is amended to read:

146.34 (1) (i) "Psychologist" means a ~~person licensed to practice psychology~~ health service psychologist licensed under ch. 455.

**SECTION 12.** 146.89 (1) (r) 5m. of the statutes is amended to read:

146.89 (1) (r) 5m. A health service psychologist who is licensed under ch. 455.

**SECTION 13.** 155.01 (7) of the statutes is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a health service psychologist licensed under ch. 455, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

**SECTION 14.** 155.05 (2) of the statutes is amended to read:

155.05 (2) Unless otherwise specified in the power of attorney for health care instrument, an individual's power of attorney for health care takes effect upon a finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician

and one ~~licensed~~ health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who personally examine the principal and sign a statement specifying that the principal has incapacity. Mere old age, eccentricity or physical disability, either singly or together, are insufficient to make a finding of incapacity. Neither of the individuals who make a finding of incapacity may be a relative of the principal or have knowledge that he or she is entitled to or has a claim on any portion of the principal's estate. A copy of the statement, if made, shall be appended to the power of attorney for health care instrument.

**SECTION 15.** 244.09 (3) (a) of the statutes is amended to read:

244.09 (3) (a) A physician licensed under ch. 448 or a health service psychologist licensed under ch. 455 that the principal is incapacitated within the meaning of s. 244.02 (7) (a).

**SECTION 16.** 252.14 (1) (ar) 6. of the statutes is amended to read:

252.14 (1) (ar) 6. A health service psychologist licensed under ch. 455.

**SECTION 17.** 257.01 (1) (a) of the statutes is amended to read:

257.01 (1) (a) An individual who, under ch. 455, is licensed as a health service psychologist or, under ch. 457, is certified as a social worker or licensed as a clinical social worker, a marriage and family therapist, or a professional counselor.

**SECTION 18.** 257.01 (1) (b) of the statutes is amended to read:

257.01 (1) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a health service psychologist under ch. 455 or certified as a social worker or licensed as a clinical social worker, a marriage and

family therapist, or a professional counselor under ch. 457, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

**SECTION 19.** 301.48 (6) (e) of the statutes is amended to read:

301.48 **(6)** (e) A person filing a petition requesting termination of lifetime tracking who is entitled to a hearing under par. (d) 2. shall be examined by a person who is either a physician or a health service psychologist licensed under ch. 455 and who is approved by the court. The physician or psychologist who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for termination of lifetime tracking is a danger to the public. The physician or psychologist shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the person filing the petition and the district attorney. The contents of the report shall be confidential until the physician or psychologist testifies at a hearing under par. (g). The person petitioning for termination of lifetime tracking shall pay the cost of an examination required under this paragraph.

**SECTION 20.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

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

**SECTION 21.** 440.88 (3m) of the statutes is amended to read:

440.88 **(3m)** EXCEPTION. This section does not apply to a physician, as defined in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), or a ~~licensed health service psychologist, as defined in s. 455.01 (4)~~ licensed under ch. 455, who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

**SECTION 22.** 455.01 (1) of the statutes is created to read:

455.01 **(1)** "Applied consulting psychologist" means a psychologist who provides services outside of the health and behavioral health fields for the purpose of enhancing individual or organizational effectiveness, including providing direct services to individuals and groups for assessment and evaluation of personal abilities and characteristics for individual development or behavior change or for making decisions about an individual and providing services to organizations for the benefit of the organization that do not involve **providing** direct **health** services to individuals .

\*\*\*\*NOTE: This was hard to parse. Did I do so correctly? Feel free to suggest improvements to make this definition more readable.

**SECTION 23.** 455.01 (1m) of the statutes is created to read:

455.01 **(1m)** "Direct **health** service" means activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation, and reviewing published works relevant to the patient's or client's needs.

\*\*\*\*NOTE: I thought "relevant" here seemed more appropriate. Let me know if you disagree.

**SECTION 24.** 455.01 (2) of the statutes is repealed and recreated to read:

455.01 (2) "Doctoral degree in psychology" means a doctoral degree, designated as an Ed.D., Psy.D., or Ph.D., that is obtained through a doctoral psychology training program offered in a regionally accredited institution in the United States, an institution with provincial or territorial authorization in Canada, or, in other countries, an institution **that is accredited by an accrediting agency or organization recognized by the US Secretary of Education.** ~~National Association of Credential Evaluation Services to be performing a function equivalent to U.S. regional accrediting bodies.~~

**SECTION 25.** 455.01 (3) of the statutes is renumbered 455.01 (1c) and amended to read:

455.01 (1c) ~~"Examining board"~~ "Board" means the psychology examining board.

**SECTION 26.** 455.01 (3m) of the statutes is amended to read:

455.01 (3m) ~~"Fee"~~ "Fee," when used other than in reference to a fee for a credential, means direct or indirect payment or compensation, monetary or otherwise, including the expectation of payment or compensation whether or not actually received.

\*\*\*\*NOTE: Current law has this definition for "fee." I wasn't sure if you wanted to get rid of it or not as some of the provisions do use this term, though I'm not sure how necessary it is to have a definition. I kept it with a clarification, but if you'd rather repeal it, let me know. **\*Reviewed and decided to keep.**

**SECTION 27.** 455.01 (3r) of the statutes is created to read:

455.01 (3r) "Health service psychologist" means a psychologist who provides services within the health and behavioral health fields, including the delivery of direct and indirect preventive, diagnostic, assessment, ~~and~~ therapeutic

intervention, **and health promoting** services to clients or patients ~~whose growth, adjustment, or functioning is actually impaired or is demonstrably at high risk of impairment.~~ **\*Decided to strike psychopathology aspect of this given broadening of field with integrative models.**

**SECTION 28.** 455.01 (4) of the statutes is repealed.

**SECTION 29.** 455.01 (5) of the statutes is repealed and recreated to read:

455.01 **(5)** (a) "Practice of psychology" means the observation, description, evaluation, interpretation, prediction, and modification of human behavior by the application of psychological principles, methods, and procedures for any of the following purposes:

1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior **and promotion of adaptive health maintaining behavior and psychological functioning.**

2. Evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness. ~~including personal effectiveness, adaptive behavior, and interpersonal relationships and work and life adjustment, health, and individual, group, or organizational performance.~~

\*\*\*\*NOTE: Can you suggest a way to rewrite this in a more readable way? It's hard to know what is modifying what here and what is being included in what.

**\*Decided to strike portion to simplify.**

3. Assisting in legal decision-making by applying psychological knowledge to legal matters.

(b) "Practice of psychology" includes all of the following:

1. Psychological testing and the evaluation or assessment of personal characteristics such as intelligence; personality; cognitive, physical, or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning.

2. Psychotherapy **and** counseling ~~and psychoanalysis; consultation;~~ hypnosis; biofeedback; and behavior ~~analysis and~~ therapy **and other empirically supported psychotherapeutic procedures.**

\*\*\*\*NOTE: I tried to make this more consistent with the defined term "psychotherapy, counseling, and psychoanalysis" (see below). OK? Can "consultation" be further qualified?

3. The diagnosis, treatment, and management of mental and emotional disorders or disabilities, substance use disorders, disorders of habit or conduct, and the psychological aspects of physical illnesses, accidents, injuries, or disabilities.

4. Psychoeducational evaluation, therapy, and remediation.

5. Consultation with other psychologists, physicians, or other health care professionals and patients regarding all available treatment options, including medication, with respect to the provision of care for a specific client or patient.

6. **Enhancing individual, group, and organizational effectiveness through the provision of direct services using psychological principles, methods, or procedures.** ~~on their personal characteristics for individual development or behavior change or for making decisions about individuals, such as selection.~~

\*\*\*\*NOTE: I split 6 into two (6 and 7) because these seemed to be two different things. OK?

\*\*\*\*NOTE: Can the term "selection" be qualified or explained here?

**\*Combined #6 and #7 again and simplified statement.**

7. The provision of services to organizations that are provided for the benefit of the organizations ~~and do not involve direct services to individuals~~, including job

analysis, attitude or opinion surveys, selection ~~testing~~ **assessment**, group administration of standardized tests ~~in which responses are mechanically scored and interpreted~~, selection validation studies, designing performance appraisal systems, **employee training and development**, organization design, advising management on human behavior in organizations, organizational assessment, diagnosis and ~~intervention of~~ **consultation regarding** organizational problems, and other related services.

\*\*\*\*NOTE: Can the term "training" be further qualified or explained here?

**\*Further clarified training and simplified statement**

9. ~~The rendering of psychological services to individuals, families, groups, systems, or organizations.~~ **Propose to delete this and it's covered elsewhere.**

8. The supervision of anything specified in subds. 1. to 7.

(c) "Practice of psychology" has the meaning specified in pars. (a) and (b) regardless of whether payment is received for services rendered or if the practice is conducted in person or via electronic means.

**SECTION 30.** 455.01 (5m) of the statutes is created to read:

455.01 **(5m)** "Psychological services" means services constituting the practice of psychology that are performed in any setting, including in a business, organizational, health care, or mental health care setting.

\*\*\*\*NOTE: I tried to rewrite this slightly for grammar. Let me know if this looks incorrect. **Agree - looks good.**

**SECTION 31.** 455.01 (6) of the statutes is repealed and recreated to read:

455.01 **(6)** "Psychotherapy **and** counseling ~~and psychoanalysis~~" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established

psychological or systemic principles, including for the purpose of assisting individuals with modifying their behaviors, cognitions, emotions, and other personal characteristics, or for the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

\*\*\*\*NOTE: We generally try not to have multiple terms that would all mean the same thing, so I made this into one term (and it only appeared to be used in one place, in the definition of "practice of psychology"). \*We eliminated one term and want to maintain the other two.

\*\*\*\*NOTE: This was hard to parse. Did I do so correctly? Again, it was hard to know what was modifying what here and what was being included in what.

**SECTION 32.** 455.01 (7) of the statutes is repealed.

\*\*\*\*NOTE: Please see s. 455.01 (7) (b). Should that provision be retained? If so, it should go in s. 455.02.

\*Okay to omit this provision.

**SECTION 33.** 455.02 of the statutes is repealed and recreated to read:

\*\*\*\*NOTE: The document provided had a definition for "representation as a psychologist." I wasn't sure where that term was intended to have meaning, and that definition (as well as current law s. 455.01 (7) (a)) seems to blur the distinction between practicing psychology without a license vs. holding oneself out as a psychologist. For now, I did not include that material, and I would recommend reading through this entire section to see if appears to capture everything. If you think we need to add more to this, let me know. Also, let me know if we need to get more specific about the uses of titles by certain persons.

Bruce will review this for any content changes.

**455.02 License required to practice; use of titles. (1) (a) *Practice of psychology.*** Except as provided in sub. (2) and s. 257.03, no individual may engage in or attempt to engage in the practice of psychology or make a representation as authorized to engage in the practice of psychology without a valid license issued under this chapter.

(b) *Use of titles generally.* Except as provided in sub. (2) and s. 257.03, no individual may do any of the following:

1. Use the title "psychologist" or any similar title without a license issued under this chapter.

2. Represent himself or herself to the public by any description of services incorporating the word "psychology," the word "psychological," or any similar word, alone or in combination with the words or phrases "**industrial/organizational**," "applied," "clinical," "counseling," "consulting," "interim," or "health service," without a license issued under this chapter.

3. State or imply that he or she is licensed to practice psychology without a valid license issued under this chapter.

(c) *Health service psychologist.* No individual may use the title "health service psychologist" or state or imply that he or she is a licensed health service psychologist without a valid license issued under s. 455.035 (1) (a). An individual licensed under s. 455.035 (1) (b) may ~~only~~ use the title "~~interim~~ health service psychologist."

\*\*\*\*NOTE: I said this rather than saying that an HSP licensee "may use the title 'licensed health service psychologist'" as this seems to be what was implied. (This would also cover "licensed health service psychologist.") Should an interim licensee be able to use this title?

**Yes, to use of "health service psychologist"**

(d) *Applied consulting psychologist.* No individual may use the title "applied consulting psychologist" or state or imply that he or she is a licensed applied consulting psychologist without a valid license issued under s. 455.035 (2).

\*\*\*\*NOTE: I said this rather than saying that an ACP licensee "may use the title 'licensed applied consulting psychologist'" as this seems to be what was implied. (This would also cover "licensed applied consulting psychologist.")

**This is acceptable.**

(2) (a) *Occupational exemptions.* Subsection (1) (a) does not apply to any of the following:

\*\*\*\*NOTE: This means that the people listed below can engage, to an extent at least, in the practice of psychology, but would not be exempt from sub. (1) (b) (i.e., they could not call themselves psychologists).

Looks acceptable.

1. An individual lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted by this state.

2. An individual pursuing a course of study leading to a graduate degree in medicine, social work, marriage and family therapy, or professional counseling at an accredited college or university while working in a training program, if the person's activities and services constitute a part of his or her supervised course of study and the person is designated by a title that clearly indicates the training status appropriate to the person's level of training.

3. An individual credentialed by the department of public instruction to provide counseling services, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdiction of the school district by which he or she is employed, and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the school district by which he or she is employed.

4. An ordained member of the clergy of any religious denomination or sect who is associated with a church, synagogue, or other religious organization, contributions to which are tax deductible for federal and state income tax purposes,

if the member of the clergy is engaged in activities that are within the scope of his or her regular duties as a member of the clergy and that are not rendered to the public for a fee over and above the salary or other compensation that he or she receives for the performance of his or her official duties as a member of the clergy with the church, synagogue, or religious organization with which he or she is associated.

5. An individual coordinating or participating in the activities of a nonprofit peer support group, if the person performs those activities solely within the confines of the peer support group and does not render or offer to render psychological services to any member of the public for a fee.

(b) *Psychologist employed by federal government.* Subsection (1) (a) and (b) does not apply to an individual providing psychological services as an employee of a federal governmental agency if all of the following apply:

1. The person is licensed as a health service psychologist or applied consulting psychologist in another state.

2. The person is providing the psychological services as a part of the duties for which he or she is employed by the employing agency.

3. The person is providing the psychological services solely within the confines of or under the jurisdiction of the employing agency.

4. The person does not provide or offer to provide psychological services to residents of this state for a fee over and above the salary that he or she receives for the performance of the official duties with the employing agency.

(c) *Psychological assistant or associate.* ~~1. In this paragraph, "psychological health services" means the performance of the practice of psychology in a health care or mental health care practice.~~

\*\*\*\*NOTE: I took out the reference you had in this definition to "by a licensed psychologist" because the people in this provision are by their nature *not* licensed.

Under the confines of certain state or government employment settings, individuals may provide certain psychological services. This exempts them from needing to be licensed just as they are under the present statute. Numbering needs to be reworked.

~~21.~~ Subsection (1) (a) does not apply to an individual providing psychological health services as an employee of a state ~~or local~~ governmental agency under the supervision of a licensed health service psychologist if all of the following apply:

a. The person provides the psychological health services as a part of the duties for which the person is employed.

b. The person provides the psychological services solely within the confines of or under the jurisdiction of the employing agency.

c. The person does not provide or offer to provide psychological services to the public for a fee over and above the salary that the person receives for the performance of the official duties with the employing agency.

d. The person possesses a Master's degree in an appropriate recognized field of psychology from an institution accredited by an accrediting agency or organization recognized by the US Secretary of Education.

~~32.~~ An individual who qualifies for the exemption under subd. ~~21.~~ may use the title "~~psychological assistant~~" or "psychological associate."

(d) *Psychology student, intern, or resident.* 1. An individual providing psychological services as part of a psychology training program that qualifies

under s. 455.04 (1g) (a) or (1m) (a) may engage in the practice of psychology under the supervision of a psychologist licensed under this chapter.

2. An individual who qualifies for the exemption under subd. 1. may use the title "psychology student," "psychology intern," or "psychology resident" if the person does not provide or offer to provide psychological services to the public for a fee over and above any salary that he or she may receive for the performance of the official duties with the employing agency or organization.

\*\*\*\*NOTE: Is "the employing agency or organization" correct here, or should that instead reference the educational institution?

Okay to leave it as employing agency or organization.

(e) *Psychology fellow.* 1. In this paragraph, "psychology fellow" means **an individual providing psychological services as part of a formal psychology fellowship program, which meets program standards as defined by Association of Psychology Postdoctoral and Internship Centers (APPIC), may engage in the practice of psychology under the supervision of a psychologist licensed under this chapter.** ~~an individual holding a doctoral degree in psychology who provides psychological services under the supervision of a psychologist licensed under this chapter within a postdoctoral psychology training program that is a member of the Association of Psychology Postdoctoral and Internship Centers.~~

\*\*\*\*NOTE: What is the significance of membership in the APPIC? (The APPIC is not mentioned elsewhere in the provisions relating to licensure requirements.)

APPIC membership not required but included as this body sets the national standard for fellowship training.

2. A psychology fellow, **as defined in (1),** may engage in the practice of psychology and may use the title "psychology fellow" while working to meet

postgraduate requirements for licensure or similar requirements in another jurisdiction.

\*\*\*\*NOTE: I reworded this slightly. OK?

Okay

\*\*\*\*NOTE: I did not include anything here about eligibility for licensure as that seemed presumptuous and is not what this provision is about (eligibility for a license is addressed elsewhere), but on that note:

1. Could this exemption be simplified by saying that persons who have the interim license are eligible for the exemption?

Not applicable.

2. Furthermore, isn't it possible that, in rare cases, there might be someone wishing to complete his or her postdoc in Wisconsin, but for whatever reason, the board does not issue that person a license (perhaps the person had a conviction he hadn't disclosed). In that case, should the person be eligible for this exemption even though he/she is unable to get a license?

No, there are criteria that must be met to gain an interim license. This would be addressed through the process of getting your interim license.

Same questions for par. (f) below. In fact, I don't quite understand the intended distinction between what is here and what is in par. (f). Could this paragraph and par. (f) be combined?

"Psychology fellow" must be part of a formalized fellowship program as defined by APPIC. "Associate psychologist" is not part of a formal fellowship program and has made arrangements with an individual psychologist to gain supervision hours.

(f) *Associate psychologist*. 1. In this paragraph, "associate psychologist" means an individual holding a doctoral degree in psychology who provides psychological services under the supervision of a psychologist licensed under this chapter while working to meet postgraduate requirements for licensure.

\*\*\*\*NOTE: Should this be reworded?

Wording is fine for this.

2. An associate psychologist may engage in the practice of psychology and may use the title "associate psychologist" while working to meet postgraduate requirements for licensure or similar requirements in another jurisdiction.

(g) *Psychology professor or academic psychologist.* 1. An individual with a doctoral degree in psychology who is employed by a recognized research laboratory, school, college, university, or governmental agency may do any of the following:

a. Use the title "psychology professor" or "academic psychologist," or a reasonable variant thereof.

b. Teach the practice of psychology, conduct psychological research, present lectures on the practice of psychology, or perform any consultation required by his or her academic or research functions.

\*\*\*\*NOTE: I reworded this. OK?

Okay

c. Utilize or represent himself or herself by the academic or research title conferred upon him or her by the administration of the laboratory, school, college, university, or governmental agency.

d. Provide expert testimony in court related to his or her field of expertise.

\*\*\*\*NOTE: I did not include a cross-reference or definition for "expert testimony" as I didn't want to exclude federal or other proceedings. OK?

Okay.

2. Subdivision 1. a. to d. does not permit an individual described in subd. 1. (intro.) to engage in the practice of psychology in violation of sub. (1) (a).

(h) *School psychologist.* An individual credentialed by the department of public instruction to provide psychological services in school settings may provide those services if he or she uses a title that includes the word "school." Such an

individual may provide the psychological services only within the confines of or under the jurisdiction of his or her employing agency and may not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she receives for the performance of his or her official duties with the employing agency.

\*\*\*\*NOTE: I did not include material about applying for licensure because that seemed more like an FYI type of note and not an operative provision. **Okay.**

(j) *Exemptions by board.* The board may promulgate rules to establish one or more additional exemptions from sub. (1) (a) or (b) if they are consistent with national practice standards.

**SECTION 34.** 455.025 of the statutes is created to read:

**455.025 Practice of medicine and surgery.** Nothing in this chapter shall be construed to authorize a psychologist to engage in the practice of medicine and surgery.

\*\*\*\*NOTE: I tried to simplify this provision, though I'm still not certain what it is intended to mean or whether it is even still relevant.

**Statement is okay as it is written.**

**SECTION 35.** 455.03 of the statutes is renumbered 455.02 (2) (i) and amended to read:

455.02 (2) (i) *Temporary practice.* ~~A Subsection (1) (a) and (b) does not apply to a psychologist who is licensed or certified by a similar examining board of another state or territory of the United States or of a foreign country or a Canadian province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may offer who provides psychological services as a psychologist in this state for not more~~

than 60 working days in any year ~~without holding a license issued under s. 455.04~~  
 (4). The psychologist shall report to the ~~examining~~ board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year. A psychologist provides psychological services in this state for purposes of this section whenever the patient or client is located in this state, regardless of whether the psychologist is temporarily located in this state or is providing services by electronic or telephonic means from the state where the psychologist is licensed. The exemption under this paragraph may be withdrawn at any time by the board upon evidence of a violation of statutes, rules, or a code of conduct. Psychologists providing services under the Psychology Interjurisdictional Compact may provide services under the terms of the compact.

\*\*\*\*NOTE: This provision, in fact, seemed to essentially be just another exemption from the licensure and title restrictions in that it allows an individual not licensed in Wisconsin to practice here (and, presumably, call himself or herself a psychologist). I therefore moved this provision into s. 455.02 and tried to conform it more to the language used there. Let me know if that doesn't seem correct for some reason or if any of my wording changes look problematic.

Okay

\*\*\*\*NOTE: Should the first scored sentence be placed somewhere else? It seems that it may have greater significance beyond temporary practice.

We agree with how you wrote it. It doesn't need to be placed elsewhere.

**SECTION 36.** 455.035 of the statutes is created to read:

**455.035 Licensure of psychologists. (1) HEALTH SERVICE PSYCHOLOGIST.** (a) *Health service psychologist license.* The board shall grant a health service psychologist license to an individual who satisfies all of the following:

1. The general requirements under s. 455.04 (1).

2. The additional requirements under s. 455.04 (1g) for a health service psychologist license.

3. Upon obtaining a license, this individual may refer to themselves as a licensed health service psychologist. (Please add this statement).

(b) *Interim license.* The board shall grant an interim health service psychologist license to an individual who satisfies the requirements for a license under par. (a), other than the requirement under s. 455.04 (1g) (c). An individual licensed under this paragraph may provide psychological services only under the supervision of a psychologist who satisfies the criteria under s. 455.04 (9) (a) and (b).

Upon obtaining an interim license, this individual may refer to themselves as a licensed health service psychologist. (Please add this statement).

(2) APPLIED CONSULTING PSYCHOLOGIST LICENSE. The board shall grant an applied consulting psychologist license to an individual who satisfies all of the following:

(a) The general requirements under s. 455.04 (1).

(b) The additional requirements under s. 455.04 (1m) for an applied consulting psychologist license.

(c) Upon obtaining a license, this individual may refer to themselves as a licensed applied consulting psychologist. (Please add this statement).

\*\*\*\*NOTE: Based on the information subsequently provided regarding ACPs, I understood it to be the case that ACPs would need to do a supervised experience before their dissertation, but would not have to do a postdoctoral experience. Given that, I did not include an interim ACP license (because there is no postdoc). If that's incorrect, let me know.

**Okay to eliminate interim ACP license.**

**SECTION 37.** 455.04 of the statutes is repealed and recreated to read:

**455.04 Requirements for licensure. (1) GENERAL REQUIREMENTS.** An applicant for any license under this chapter must satisfy all of the following requirements:

(a) The applicant is at least 18 years of age.

(b) Subject to ss. 111.321, 111.322 and 111.335, the applicant does not have an arrest or conviction record.

(bm) The applicant pays the fee determined by the department under s. 440.03 (9) (a).

(e) The applicant provides evidence of having passed the examination under s. 455.045 (1) (a).

\*\*\*\*NOTE: I assume that everyone will have passed the EPPP at some point, so this shouldn't be a problem even for out-of-state licensees, correct?

**Correct.**

(f) The applicant has passed the examination under s. 455.045 (1) (b).

(g) The applicant is found competent by the board to engage in the practice of psychology in an examination under s. 455.045 (6), if required by the board.

(h) The applicant is found capable of practicing in an examination under s. 455.095, if required by the board.

**(1g) HEALTH SERVICE PSYCHOLOGIST LICENSE REQUIREMENTS.** An applicant for a health service psychologist license under this chapter must satisfy all of the following requirements in addition to satisfying the requirements under sub. (1):

(a) The applicant provides, in the manner specified under sub. (2), evidence to the board of having satisfied one of the following requirements:

1. Graduation from a psychology training program that is accredited by the American Psychological Association or the Canadian Psychological Association **and satisfies the requirements under (6).**

\*\*\*\*NOTE: Here I did not include "or meet all necessary educational requirements by virtue of attaining and maintaining their accreditation" because I didn't know what accreditation here referred to. Does the APA/CPA accredit psychologists?

**Okay as written. APA/CPA accredits programs, not psychologists.**

2. Graduation from a psychology training program that satisfies the requirements under subs. (6) and (7).

(b) The applicant provides evidence to the board of having completed a supervised internship or residency that satisfies the requirements under sub. (8) (a) and (b).

(c) The applicant provides evidence to the board of having completed a postdoctoral supervised experience that satisfies the requirements under sub. (8) (a) and (c).

**(1m)** APPLIED CONSULTING PSYCHOLOGIST LICENSE REQUIREMENTS. An applicant for an applied consulting psychologist license under this chapter must satisfy all of the following requirements in addition to satisfying the requirements under sub. (1):

(a) The applicant provides, in the manner specified under sub. (2), evidence to the board of having graduated from a psychology training program that satisfies the requirements under subs. (6) and (7m).

(b) The applicant provides evidence to the board of having completed a supervised experience that satisfies the requirements under sub. (8) (d).

(2) PROOF OF DEGREE. An applicant may, for the purpose of satisfying the requirement under sub. (1g) (a) or (1m) (a), provide to the board any of the following as evidence that the applicant graduated from a psychology training program that satisfies the requirements described under sub. (1g) (a) or (1m) (a):

(a) An official transcript issued by the institution at which the psychology training program is housed.

(b) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists, the Association of State and Provincial Psychology Boards, or another credential evaluation organization approved by the board.

(6) GENERAL REQUIREMENTS FOR PSYCHOLOGY TRAINING PROGRAMS. (a) For purposes of subs. (1g) (a) ~~2.~~ and (1m) (a), a psychology training program must satisfy all of the following requirements, as determined by the board:

\*\*\*\*NOTE: The draft provided had both a definition of "psychology training program," as well as a provision about requiring one continuous year of residency and requiring physical presence for the residency. As explained in the drafter's note, I put them in a provision dealing with licensure requirements instead of in a definition because these seemed to be requirements that a program must satisfy to be considered as a basis for licensure. Also, for my purposes, both the definition and this other paragraph both essentially consisted of requirements for training programs, and so I combined them into one list.

\*\*\*\*NOTE: Note that everything in this par. (a) would apply to both HSP and ACP training programs, OK? Material that was specific to one or the other was included in sub. (7) or (7m) below, as appropriate.

Yes, this is okay...it applies to both.

1. The program is housed within ~~an institution accredited by an accrediting agency or organization recognized by the United States Secretary of Education or a regionally accredited institution in the United States or within~~ an institution with provincial or territorial authorization in Canada.

2. The program, regardless of where it is administratively housed, is clearly identified and labeled as a psychology program, and is specified in institutional catalogues and brochures as being intended to educate and train professional psychologists.

3. The program offers a doctoral degree in psychology.

4. The program is a recognizable, coherent organizational entity within the institution.

5. There is a clear authority and primary responsibility for the core and specialty areas.

\*\*\*\*NOTE: I wasn't sure what "whether or not the program cuts across administrative lines" meant or whether it was intended to have an effect, so I didn't include it. OK?

Okay.

6. The program offers an integrated and organized sequence of study.

7. The program has an identifiable psychology faculty that is sufficient in size and breadth to carry out its responsibilities, including a psychologist who is responsible for the program.

8. The program has an identifiable body of students who are matriculated in the program in order to earn a doctoral degree in psychology.

9. The curriculum includes a minimum of 3 academic years of full-time graduate study. ~~and a minimum of one year's residency at the institution granting the doctoral degree in psychology.~~

\*\*\*\*NOTE: Does "residency" here refer to the supervised residency or internship? If so, this would seem to not be correct with respect to ACP programs. If anything, we should clarify the intended meaning here. Same questions apply to subd. 10. below.

Addressed below.

10. **Of the three years**, the program requires at least one continuous year of **on-site** residency for instruction in topic areas requiring such instruction **which includes, for example, psychodiagnostic assessment, psychotherapy, and psychological testing.**

\*\*\*\*NOTE: What does "for instruction in topic areas requiring such instruction" mean? Does "residency" here mean the same thing as in subd. 9.? Can this be combined with subd. 9.?

**Residency means physical attendance on site at the teaching site. There are some aspects of training that require face-to-face teaching.**

11. The program does not use video teleconferencing or other electronic means as a substitute for physical presence at the institution in order to meet the residency requirement described under subd. 10.

(b) 1. In this paragraph, "distance education" means a formal educational process in which instruction occurs when the student and faculty are not in the same physical location and that, as a result, requires special course design, instructional techniques, and methods of communication.

\*\*\*\*NOTE: I tried to rearrange this so as to have the definition be only a description of what distance education means.

**Okay.**

2. A psychology training program may include distance education in topic areas conducive to ~~psychology instruction~~ **distance education. This would include courses that do not require face-to-face instruction and supervision, such as history and systems, personality theory, and statistics.** Instruction may be synchronous or asynchronous and use electronically mediated methodologies for instruction, academic and research advising, mentoring, support and administrative services, evaluation, and other student and faculty contacts.

**(7) REQUIREMENTS FOR HEALTH SERVICE PSYCHOLOGIST TRAINING PROGRAMS.**

For purposes of sub. (1g) (a) 2., a psychology training program must satisfy all of the following requirements:

(a) The program includes practical training consisting of a practicum, internship or residency, and other training appropriate to the practice of psychology that are supervised by an individual who is licensed as a health service psychologist in that state.

(b) The program has curriculum featuring content in all of the following, as determined by the board:

1. Scientific psychology, including all of the following:

- a. Biological aspects of behavior.
- b. Cognitive and affective aspects of behavior.
- c. Social aspects of behavior.
- d. History and systems of psychology.
- e. Psychological measurement.
- f. Research methodology.
- g. Techniques of data analysis.

2. Scientific, methodical, and theoretical foundations of practice in the substantive area of professional psychology in which the program has its training emphasis, including all of the following:

- a. Individual differences in behavior.
- b. Human development.
- c. Dysfunctional behavior or psychopathology.

- d. Professional standards and ethics.
3. Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies, including instruction in all of the following:
  - a. Theories and methods of assessment and diagnosis.
  - b. Effective intervention.
  - c. Consultation and supervision.
  - d. Evaluating the efficacy of interventions.
4. Issues of cultural and individual diversity.
5. Skills essential for lifelong learning, scholarly inquiry, and professional problem solving as psychologists in the context of an evolving body of scientific and professional knowledge.

**(7m)** REQUIREMENTS FOR APPLIED CONSULTING PSYCHOLOGIST PSYCHOLOGY TRAINING PROGRAMS. (a) For purposes of sub. (1m) (a), a psychology training program must satisfy all of the following requirements, as determined by the board:

1. The program includes practical training consisting of a practicum, action research, or applied research; field or laboratory training; ~~and a supervised experience internship~~, as appropriate to the practice of applied psychology, that is supervised by an applied consulting supervisor.

**Need to address words that are struck above related to supervised experience being required in the education program.**

\*\*\*\*NOTE: I didn't include: "All professional education programs in psychology shall include course requirements in one or more additional specialty

areas." I actually wasn't sure what this meant, and if it was relevant to professional education or to psychology training programs.

**Need input on above note from broader group.**

2. The curriculum encompasses a minimum of 3 academic years of full-time graduate study and a minimum of one year's **on-site** residency at the accredited educational institution granting the doctoral degree in psychology.

\*\*\*\*NOTE: I thought residency was not required for an ACP program. See also

1. above. **See above notes on how we are defining "residency"**

3. The core program requires every student to demonstrate competence in all of the following substantive areas:

a. Biological bases of behavior, including, for example, physiological psychology, comparative psychology, neuropsychology, sensation, and perception.

\*\*\*\*NOTE: Here, as well as below, I wasn't sure exactly how the examples related to the main concept. Is there a better way to parse these? Are the examples necessary?

**Examples are necessary.**

b. Cognitive-affective bases of behavior, including, for example, learning, thinking, motivation, and emotion.

c. Social bases of behavior, including, for example, social psychology, group processes, and organizational and systems theory.

d. Research and design methodology.

e. Psychometric theory.

f. Individual differences, including, for example, personality theory, human development, and abnormal psychology.

g. Statistics.

h. Scientific and professional ethics and standards.

i. Assessment and evaluation, including, for example, psychological testing, program evaluation, and organizational analysis.

j. ~~Intervention, including, for example,~~ Consultation, **including** evaluation, coaching, and engagement.

**k. Personnel psychology. (Please add)**

(b) The requirement under par. (a) 3. may be met if the program provides substantial instruction in each of the areas identified in par. (a) 3. a. to j., as demonstrated by a minimum of 3 graduate semester hours, 5 or more graduate quarter hours, or the equivalent. When an academic term is not a semester, credit hours shall be evaluated on the basis of 15 hours of classroom instruction per semester hour.

**(8) REQUIREMENTS FOR SUPERVISED EXPERIENCES.** (a) For purposes of sub. (1g) (b) and (c), an applicant’s supervised internship or residency and postdoctoral experience must each satisfy all of the following requirements, as determined by the board:

\*\*\*\*NOTE: I put all the internship and postdoc stuff in this subsection. I divided it up a bit differently, with par. (a) being things that apply to both experiences, and pars. (b) and (c) being those that apply only to one or the other. Paragraph (d) is for ACP supervised experiences.

**We are trying to clarify the distinction in supervised experience between HSPs and ACPs. (8) (a), (b), and (c) apply to Health Service Psychologists. (8) (d) applies to Applied Consulting Psychologists.**

1. The hours must be accumulated at not less than 16 hours per week, nor more than 40 hours per week.

2. The experience is in a training setting that includes activities appropriate to the intended area of practice.

\*\*\*\*NOTE: You also had "the activities shall be appropriate to the applicant's intended area of practice." I assumed that was an accidental duplication of the above language. If not, let me know.

Looks okay.

3. The experience for Health Service Psychologists satisfies all of the following:

a. At least 25 percent of the experience consists of face-to-face client contact.

b. At least 65 percent of the experience consists of either face-to-face client contact or direct health service.

c. The experience is under the supervision of qualified supervisors that satisfy the requirements under sub. (9) (a) and (b), who are responsible for the integrity and the quality of the training.

d. The experience provides a planned, organized, and integrated practice experience.

e. The experience allows trainees to be members of a multidisciplinary team in which the trainees can interact with other professional specialists in serving clients or can interact with referral sources and co-providers of services to the client.

\*\*\*\*NOTE: I rewrote this a bit. Let me know if I did not capture the intent.

f. The experience provides for interaction with other mental health providers and other trainees when feasible.

g. The experience provides trainees with a range of direct service experiences addressing a broad spectrum of psychological problems, and the clients served are consistent with the target population for the trainees' intended practice. Service activities that are appropriate for the intended area of practice include

intake service, administration, case staffings, research activities, in-service program activities, ~~organizational development~~, and consultation.

\*\*\*\*NOTE: Let me know if you see any issues with how I rewrote this. I included the second sentence, but it's not clear to me exactly how it is supposed to relate to the first sentence or if it is necessary.

See the addition of Health Service Psychologists above (8) (a) 3. for clarification of experience requirements and strike through of "organizational development".

(b) For purposes of sub. (1g) (b), a Health Service Psychologist applicant's supervised internship or residency must consist of at least 1,500 hours of experience to which all of the following apply, as determined by the board:

1. The experience includes at least 2 hours per week of regularly scheduled formal face-to-face individual supervision by the supervisors with the specific intent of reviewing and monitoring the services rendered directly by the trainee.

2. The experience includes at least 2 hours per week in learning activities such as case conferences, seminars addressing practice issues, co-therapy with a staff person including discussion, group supervision, and additional individual supervision.

\*\*\*\*NOTE: I omitted the word "additional" before "hours" as I wasn't sure what this was referring to (in addition to what?).

Fine.

3. The experience does not consist of hours obtained through a practicum, clerkship, or externship.

4. The experience is completed prior to the awarding of the doctoral degree in psychology.

\*\*\*\*NOTE: Will this apply to foreign grads? In other words, could someone who graduated from a foreign school complete his or her internship after getting his or her degree?

No, they cannot.

(c) For purposes of sub. (1g) (c), a **Health Service Psychologist** applicant's postdoctoral experience must consist of at least 1,500 hours of experience to which all of the following apply, as determined by the board:

1. The experience is completed after the **completion of all requirements for the doctoral degree in psychology.** ~~awarding of the doctoral degree in psychology.~~

2. The experience includes at least one hour per week of regularly scheduled formal face-to-face individual supervision **of** ~~with the specific intent of dealing with~~ the services rendered directly by the trainee.

\*\*\*\*NOTE: I would suggest something besides "dealing with" here.

**Fixed!**

3. The supervisor for the postdoctoral experience was not the same individual as the supervisor for the applicant's internship or residency.

(d) For purposes of sub. (1m) (b), an **Applied Consulting Psychologist** applicant's supervised experience must consist of at least 1,500 hours of experience to which all of the following apply, as determined by the board:

1. The experience is completed after the completion of all requirements for receiving the doctoral degree, ~~excepting~~ **with the exception that** the dissertation **need not be completed.**

2. The experience provides a minimum of 2 hours per week of regularly scheduled and formal face-to-face individual supervision by supervisors with the specific intent of reviewing and monitoring services rendered directly by the trainee.

3. **In addition to (d) 2.**, the experience provides at least 2 hours per week in learning activities such as case conferences, seminars addressing practice issues, group supervision, or additional individual supervision.

\*\*\*\*NOTE: I omitted the word "additional" after "hours" as I wasn't sure what this was referring to (in addition to what?).

**Trying to be clear that 4 total hours per week are required – 2 face – to –face and 2 in additional learning activities.**

4. The experience does not consist of hours obtained through a practicum, clerkship, or externship.

5. At least ~~25~~ **65** percent of the experience consists of face-to-face client contact **or direct client support**.

6. ~~At least 65 percent of the experience consists of either face-to-face client contact or direct service.~~

7. The experience is under the supervision of qualified supervisors that satisfy the requirements under sub. (9) (a) and (c), who are responsible for the integrity and the quality of the training.

8. The experience provides a planned, organized, and integrated practice experience.

9. The experience provides the trainee with a range of service experiences addressing a broad spectrum of issues, and the clients served are consistent with the target population for the trainee's intended practice. Service activities that are appropriate for the intended area of practice include assessment interviews and evaluations, administration, case staffings, research activities, in-service program activities, organizational development, and consultation.

**(9) REQUIREMENTS FOR SUPERVISORS.** (a) For purposes of sub. (8) (a) 3. c. and (d) 7. and s. 455.035 (1) (b), a supervisor must satisfy all of the following criteria, as determined by the board:

\*\*\*\*NOTE: I tried to rephrase all these as criteria the supervisors must satisfy. If these seem incorrect as worded, let me know.

1. The supervisor is not an immediate relative by blood or marriage of the trainee.

2. The supervisor is responsible for all of the following:

a. Determining the adequacy of the trainee's background training, experience, and preparation for the tasks to be performed.

b. Monitoring the progress of the trainee's work on a regular basis.

c. Determining the adequacy of the trainee's preparation for the tasks to be performed.

~~d. Providing a written evaluation of the supervised experience.~~

**Redundant of next – e.**

e. Preparing written evaluations or reports of progress, including strengths and weaknesses, that are discussed with the trainee on at least a semiannual basis and are provided to the board upon request.

f. Keeping written notes of supervision contacts.

3. The supervisor is available, or able to make appropriate provision, for emergency consultation and intervention.

4. The supervisor is legally and ethically responsible for the professional activities of the trainee.

(b) For purposes of sub. (8) (a) 3. c. and s. 455.035 (1) (b), a **Health Service Psychologist** supervisor must satisfy all of the following criteria, as determined by the board:

1. The supervisor is an individual who is licensed under s. 455.035 (1) (a), or who is licensed under equivalent licensure requirements in another state, as determined by the board.

2. The supervisor has adequate training, knowledge, and skill to competently render any psychological service undertaken by the trainee.

3. The supervisor has post-licensure experience and has attained a postdoctoral level of competence in supervision through educational training, experience, and supervision ~~and consultation of psychological work.~~

4. The supervisor is able to interrupt or stop the trainee from practicing in given cases or to terminate the supervised relationship if there is a possibility of harm to the patient or client.

5. The supervisor is able to ensure all of the following:

a. That the trainee's clients are informed that the trainee receives supervision and that the clients' cases will be discussed in the context of required supervision.

b. That the trainee informs potential clients in writing of the trainee's licensure status.

c. That fees for client services are neither billed independently nor accepted by the trainee, and are instead billed and collected through the training site.

(c) For purposes of sub. (8) (d) 7., a **Applied Consulting Psychologist** supervisor must satisfy all of the following criteria, as determined by the board:

1. The supervisor is an individual who is licensed under s. 455.035 (2), or who is licensed under equivalent licensure requirements in another state, as determined by the board, or who can document evidence of academic or experiential qualifications satisfactory to the board on forms provided by the board.

\*\*\*\*NOTE: Is this correct that ACPs would supervise ACP trainees ~~and vice versa?~~

**Yes.**

2. The supervisor has adequate training, knowledge, and skill to competently render any services undertaken by the trainee.

3. The supervisor has experience and competence in supervision gained through educational training **and** experience, ~~and supervision, and consultation of psychological work.~~

\*\*\*\*NOTE: Let me know if I phrased this correctly.

**Okay.**

4. The supervisor is able to interrupt or stop the trainee from practicing in given cases or to terminate the supervised relationship if there is a possibility of harm to a client.

**SECTION 38.** 455.045 of the statutes is repealed and recreated to read:

**455.045 Examinations. (1)** In order to qualify for a license under s. 455.035 (1) (a) or (b) or (2), an individual must pass the following examinations:

\*\*\*\*NOTE: This means HSPs and ACPs both have to take the EPPP and state exam. Is that correct? **Correct**

(a) The examination ~~or examinations selected by the board for~~ related to the professional practice of psychology. ~~developed by the Association of State and Provincial Psychology Boards.~~

(b) ~~An~~ Examinations developed by the board that tests knowledge of state law relating to the practice of health service or applied consulting psychology.

(3) The board shall promulgate rules to set passing scores on examinations under sub. (1) (a) and (b). The board may, for the examination under sub. (1) (a), adopt passing scores using guidelines recommended by the ~~Association of State and Provincial Psychology Boards~~ test developers.

(4) A score for the examination under sub. (1) (a) shall not be considered by the board if the applicant, within the 2-year period prior to taking the examination, had already taken the examination on 2 or more other occasions.

\*\*\*\*NOTE: I reworded this from how you had it phrased, because I'm not sure we could really prohibit someone from taking a national exam a certain number of times. Rather, it seemed to make more sense to just provide that the score would not be considered. Let me know if this doesn't seem to capture the intent. Nicely done!

(5) (a) An applicant who fails the examination under sub. (1) (b) may request a review of the examination by filing a written request for review with the board within 30 days after the date on which examination results were mailed or reported. The time allowed for review shall be limited to the time allowed for administration of the examination, but not to exceed 3 hours.

(b) 1. Following review of his or her examination under par. (a), the applicant may contest his or her score on the examination under sub. (1) (b) by filing a written request for review of his or her results with the board within 30

days after the date the examination was reviewed under par. (a). A request under this paragraph shall include all of the following:

- a. The applicant's name and address.
- b. The type of license applied for.
- c. A description of the perceived error in scoring the examination, including specific questions or procedures claimed to be in error.

- d. The facts that the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

2. The board shall review a request submitted under subd. 1. and shall notify the applicant in writing of the board's decision and any resulting changes to the score on the applicant's examination.

3. If a decision made by the board under subd. 2. does not result in the applicant passing the examination, the applicant may file a request for a hearing with the board in accordance with rules promulgated under s. 440.03 (1).

\*\*\*\*NOTE: I assumed you meant s. SPS 1.07 instead of s. SPS 1.05? Regardless, we typically don't reference code provisions in the statutes. So, I instead referenced s. 440.03 (1), which is the provision that provides the authority for ch. SPS 1. **Correct.**

**(6)** The board may require that an applicant submit to an oral or in-person examination of an applicant for a license under s. 455.035 (1) (a) or (b) or (2) to determine the applicant's competence to engage in the practice of psychology.

\*\*\*\*NOTE: Instead of requiring a "level of competence deemed necessary for the practice of psychology," I put this under the examinations as that is a vague standard and I believe that that is how the Medical Examining Board, for instance, operates.

**Good.**

**SECTION 39.** 455.06 of the statutes is repealed and recreated to read:

**455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for licenses issued under this chapter are specified under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

(b) A license issued under s. 455.035 (1) (b) is valid for 2 years or until the individual obtains a license under s. 455.035 (1) (a) and may not be renewed, except that the board may promulgate rules specifying circumstances in which the board, in cases of hardship, may allow an individual to renew a license issued under s. 455.035 (1) (b).

(2) An applicant for renewal of a license issued under s. 455.035 (1) (a) or (2) shall include with his or her application proof of completion of ~~continuing education~~ **professional development** programs required under s. 455.065.

**SECTION 40.** 455.065 of the statutes is repealed and recreated to read:

\*\*\*\*NOTE: Current law requires the board to promulgate rules for topic areas that continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The language provided had no reference to rules. Will the board still need to promulgate rules on this topic? **Yes.**

**455.065 Continuing ~~education~~ professional development.**

(1) DEFINITIONS. In this section:

(a) "Contact hour" means a period of time consisting of 50 consecutive minutes.

\*\*\*\*NOTE: I was unfamiliar with the term "contact hour," but a search revealed that it refers to a 50-minute hour. Let me know if that was not the intended meaning. Below, I distinguished between "contact hours," which seemed to be a measurement of time, and credit hours, which in some cases didn't necessarily have a relationship to time. **Correct interpretation of the two.**

(b) "Ethics" means content consistent with one or more of the American Psychological Association's ethical principles of psychologists.

\*\*\*\*NOTE: I defined the terms below here as this seemed to be where their meaning was intended to have an actual effect. Let me know if that's incorrect.  
Correct.

(c) "Jurisprudence" means content relating to laws and regulations affecting the practice of psychology.

(d) "Risk management" means content relating to the reduction of probability of incurring legal, regulatory, or malpractice actions in the practice of psychology.

**(2) CONTINUING-EDUCATION PROFESSIONAL DEVELOPMENT REQUIREMENTS; EXCEPTIONS.** (a) 1. To be eligible for renewal of a license issued under s. 455.035 (1) (a) or (2), a licensee shall, during the 2-year period immediately preceding his or her renewal date, complete not less than 40 credit hours of qualifying continuing education **professional development** under subs. (3) and (4), except as provided in subs. 2. to 5.

2. In the case of a late renewal, the board may grant permission to apply credit hours of continuing-education **professional development** completed after the renewal date by which the license was not renewed to a previous 2-year licensure period during which required continuing education **professional development** was not completed, but in no case may credit hours be applied to more than one 2-year licensure period.

\*\*\*\*NOTE: The term "lapse" is not used in our statutes so I used "late renewal" terminology.

Fine.

3. A licensee may, prior to his or her renewal date, apply to the board for a postponement of or waiver from the requirement to complete the credit hours of continuing ~~education~~ **professional development** under this subsection on the grounds of prolonged illness or disability or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver, or total waiver of the requirement as the board deems appropriate.

\*\*\*\*NOTE: Here you had "the requirements of this chapter" but since this was in the section about continuing education, I referred instead to continuing education. If that is not what was meant, let me know.

**Fine.**

4. The board may grant an exemption from the requirement to complete the credit hours of continuing ~~education~~ **professional development** under this subsection to a licensee who certifies to the board that the licensee has permanently retired from the practice of psychology or the private practice of school psychology. A licensee who has been granted an exemption under this subdivision may not return to active practice without submitting evidence satisfactory to the board of having completed 40 credit hours of continuing ~~education~~ **professional development** obtained within the 2-year period prior to the return to the practice of psychology.

\*\*\*\*NOTE: You had a reference here to school psychology. Is that reference still relevant in light of the fact that we are eliminating school psychologist licenses?

**Yes, eliminating this is correct.**

5. The requirement under subd. 1. does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license.

(b) All of the following apply with respect to credit hours of continuing ~~education~~ **professional development** required under par. (a):

\* The whole section would be best to put into administrative code. The statute should authorize that the board has the authority to draft administrative code on this topic.

1. At least 6 credit hours of continuing ~~education~~ **professional development** shall be in the subjects of ethics, risk management, or jurisprudence.

2. Credit hours of continuing ~~education~~ **professional development** completed in the subject of supervision or suicide prevention shall count as 1.5 times the number of hours completed.

\*\*\*\*NOTE: Can these be any more specific? Would these only apply to actual courses and programs, or would this come into play in the context of a peer-reviewed publication, for instance?

These would apply to continuing professional development programs, not publications or courses.

**(3) BOARD TO APPROVE IDENTIFIED PROGRAMS AND COURSES SPONSORS.** (a)

The board shall ~~approve~~ **identify sponsors of continuing professional development programs or courses that will be recognized** to count toward the requirement under sub. (1) if relevant to the licensee's professional practice of psychology, including all of the following:

\*The whole section would be best to put into administrative code (3). The statute should authorize that the board has the authority to draft administrative code on this topic.

\*\*\*\*NOTE: I assumed the list below was not meant to be exhaustive. Otherwise, there would be no purpose to having the board approve courses. If that assumption is incorrect, let me know, but in that case I would suggest eliminating the concept of board approval since the board would not seem to then have discretion as to what to approve. **Correct.**

\*\*\*\*NOTE: I added "or any successor organization" as we usually do in case any of these changes names. **Fine.**

1. Continuing ~~education~~ **professional development** programs or courses sponsored by an organization approved by any of the following or any successor organization thereto:

- a. The American Psychological Association.
- b. The National Association of School Psychologists.
- c. The Canadian Psychological Association.
- d. **American Management Association.**

2. Continuing ~~education~~ **professional development** programs or courses sponsored by any of the following or any successor organization thereto:

- a. The Wisconsin Psychological Association.
- b. The Wisconsin School Psychologists Association.

3. Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by any of the following or any successor organization thereto:

- a. The Council on Medical Education of the American Medical Association.
- b. The American Osteopathic Association.

4. Continuing ~~education~~ **professional development** courses relevant to the professional practice of psychology offered by accredited colleges and universities.

5. Continuing ~~education~~ **professional development** courses approved by the psychology licensing board in another state where the psychologist is licensed.

6. Graduate level courses of 2 semester credits or 3 quarter credits, or more, that are relevant to the professional practice of psychology and are offered by a ~~regionally-accredited~~ college or university **accredited by an accrediting agency or**

organization recognized by the United States Secretary of Education in which the licensee receives a passing grade.

(b) 1. Except as provided in subds. 2. and 3., a licensee shall receive one-half credit hour of continuing ~~education~~ professional development for each one-half contact hour for attending programs or courses approved by the board under par.

(a).

\*\*\*\*NOTE: I assumed you might want to allow for half-credits. If not, let me know. Correct

\*\*\*\*NOTE: Let me know if I parsed everything in par. (b) correctly. Correct

2. A licensee may not receive more than 8 credit hours of continuing ~~education~~ professional development per day for completing courses and programs described in par. (a) 1. to 5, or 12 credits hours for completing courses and programs described in (a) 5 after the multiplier is applied.

3. A licensee shall receive 20 credit hours of continuing ~~education~~ professional development for completing a course described under par. (a) 6.

(c) Credit hours of continuing ~~education~~ professional development shall be granted for teaching or presenting a program or course described in par. (a) 1. to 5., but no credit shall be granted for any subsequent presentation of the same program or course. A teacher or presenter shall receive 2 credit hours for each contact hour of presentation, subject to a maximum of 20 credit hours per 2-year licensure period for teaching or presenting programs or courses.

\*\*\*\*NOTE: Let me know if how I wrote this does not capture the intent. Does this mean that teaching the same course would never count again, or did you mean it couldn't count twice in the same 2-year period? I went with the former. I also assumed you'd want to go with the 50-hour minute credit hour here. If not, let me know.

Correct.

(4) CREDIT HOURS FOR OTHER ACTIVITIES. (a) 1. In this paragraph, "professional activity" means any of the following:

**\*\*DSPS uses the term "continuing education hours" instead of "credit hours". What is your recommendation about which terms should be used?**

a. Serving ~~with the~~ **on an** American Psychological Association or on its affiliated state psychological association, committee, or board.

\*\*\*\*NOTE: Is this worded correctly? What/how would one serve with the APA?  
See also c. below.

b. Serving on a state psychology licensing board.

c. Serving ~~with the~~ **on a** National Association of School Psychologists or on its affiliated state association, committee, or board.

d. Serving on an American Board of Professional Psychology committee or board.

e. Serving on an Association of Psychology Postdoctoral and Internship Centers committee or board.

f. Serving on an Association of State and Provincial Psychology Boards committee or board.

2. Credit hours of continuing ~~education~~ **professional development** shall be granted for a professional activity consisting of one year of service and at least 6 contact hours. A licensee shall receive 6 credit hours for each professional activity, subject to a maximum of 12 credit hours per 2-year licensure period under this paragraph.

(b) Credit hours of continuing ~~education~~ **professional development** shall be granted for serving as a reviewer for a peer-reviewed publication. A licensee shall receive 3 credit hours per publication, subject to a maximum of 12 credit hours per 2-year licensure period under this paragraph.

(c) Credit hours of continuing ~~education~~ **professional development** shall be granted for 1st or 2nd authorship of a publication relevant to psychology if the publication is contained in an academic or professional book or book chapter or in a peer-reviewed publication ~~article~~. A licensee shall receive 10 credit hours per authorship, subject to a maximum of 20 credit hours per 2-year licensure period under this paragraph.

(d) Credit hours of continuing ~~education~~ **professional development** shall be granted for earning board certification by the American Board of Professional Psychology. A licensee who successfully completes board certification shall receive 40 credit hours. Credit hours granted under this paragraph do not count toward the requirement under sub. (2) (b) 1. except to the extent the board certification process included education on those topics, as determined by the board.

\*\*\*\*NOTE: I rephrased this a bit as I wasn't sure what "6 hours" would refer to in the context of the board certification process (i.e., 6 hours of what?) and to account for someone who could claim less than 6 hours of ethics, risk management, or jurisprudence. If these changes are not desirable, let me know. See also par. (e), below.

**Fine.**

(e) Credit hours of continuing ~~education~~ **professional development** shall be granted for completion of a master's or doctoral degree in psychopharmacology from a regionally accredited college or university. A licensee who completes a

master's or doctoral degree in psychopharmacology shall receive 40 credit hours. Credit hours granted under this paragraph do not count toward the requirement under sub. (2) (b) 1. except to the extent the coursework for the degree included education on those topics, as determined by the board.

(f) Credit hours of continuing ~~education~~ **professional development** shall be granted for providing supervision **of internship or postdoctoral experience needed for licensure.** ~~to one or more psychological trainees.~~ The licensee shall receive one credit hour for every 4 contact hours of supervision, subject to a maximum of 20 credit hours per 2-year licensure period under this paragraph.

\*\*\*\*NOTE: Connect with cross-reference? **We're not clear what you're asking here?**

\*\*\*\*NOTE: I wasn't sure if you meant 60- or 50- minute hours here, so I assumed 50-minute hours. Same question below.

**Yes, we're referring to contact hours.**

(g) 1. Credit hours of continuing ~~education~~ **professional development** shall be granted for the evaluation of a community mental health program, as defined in s. 51.01 (3n), and approved by the department of health services in accordance with rules promulgated under s. 51.42 (7) (b). The licensee shall receive one credit hour for every 4 contact hours of assistance under this subdivision, including contact hours in training required by the department of health services.

\*\*\*\*NOTE: Should there be a maximum?

**Checking with DHS to see if this is relevant any longer.**

2. A licensee shall, in order to receive credit for hours completed under subd. 1., register in advance with the board, and shall notify the board on a form provided by the board of the dates and the total number of hours in any 2-year licensure period for which the applicant will be available to provide assistance. The board

shall make referrals to the department of health services in the order applications are received.

**(5) RECORDS AND AUDITS.** (a) A licensee shall retain for a minimum period of 6 years and shall make available to the board or its agent upon request all of the following forms of proof of credit hours of continuing education **professional development** completed by the licensee that apply to the licensee:

*\*If LRB thinks this should be moved into administrative code, we need to make sure there is statutory authorization for it.*

1. With respect to credit hours described under sub. (3) (a) 1. to 5., a certificate of attendance issued by the program or course sponsor that includes the name of the licensee, the date of attendance, the sponsor name, and the hours and title of the program or course.

2. With respect to credit hours described under sub. (3) (a) 6. or earned under sub. (4) (e), an unofficial transcript for graduate level courses or for a psychopharmacology degree.

3. With respect to credit hours earned under sub. (4) (a), verification from the organization, on the organization's letterhead, documenting professional activities including the dates of service.

4. With respect to credit hours described under sub. (4) (b) or (c), documentation of publication in an academic or professional book or book chapter or in a peer-reviewed publication or documentation that the licensee served as a reviewer for a peer-reviewed publication.

5. With respect to credit hours earned under sub. (4) (d), documentation of board certification from the American Board of Professional Psychology.

6. With respect to credit hours described under sub. (4) (f), an attestation form provided by the department documenting supervision including the dates of supervision and total number of hours per day.

7. With respect to credit hours described under sub. (4) (g), documentation verifying the dates and number of hours of voluntary, uncompensated services provided in assisting the department of health services using a form provided by the department of safety and professional services.

(b) The board may conduct a random audit of licensees on a biennial basis for compliance with continuing ~~education~~ **professional development** requirements under sub. (2). The board may also conduct such an audit on any licensee under investigation by the board.

**SECTION 41.** 455.07 of the statutes is repealed.

**SECTION 42.** 455.08 (title) of the statutes is amended to read:

**455.08** (title) ~~Rules and~~ **Code of conduct; code of ethics.**

**SECTION 43.** 455.08 of the statutes is renumbered 455.08 (1) and amended to read:

**455.08 (1)** The ~~examining~~ board shall ~~adopt such~~ promulgate rules as ~~are necessary under this chapter and shall, by rule, to~~ establish a reasonable code of conduct and code of ethics governing the professional conduct of psychologists, using as its ~~model the "Ethical Standards of Psychologists", established by the American Psychological Association~~ recognized professional models, relevant case

law, and any applicable state and federal laws as models. The primary intent of ~~this code~~ purposes of the code shall be to assure that licensed psychologists ~~limit their practices to those specialties in the field of psychology which they are qualified to practice~~ are competent to practice within their licensure categories and their specialties in the field of psychology and that licensees expand their scope of practice in accordance with professional standards and methods. The board shall address in rules promulgated under this subsection conduct and ethical issues general to licensees and those unique to the categories of licensure under this chapter.

\*\*\*\*NOTE: Instead of referencing "case law," I referenced state and federal law generally. OK?

We should have reference to "case law" above.

\*\*\*\*NOTE: I assume this code of ethics would apply to ACPs and HSPs, correct?

Yes.

**(2)** Every person who holds a license to practice psychology in this state shall be governed and controlled by ~~such code of ethics~~ the rules promulgated under sub. (1).

\*\*\*\*NOTE: I did not include language about the board's power to impose discipline for violations of the code of ethics or conduct, as this is already addressed under s. 455.09 and DSPS rules. The "preponderance of evidence" standard is already established under s. 440.20 (3).

We agree.

**(3)** A ~~written statement of the code~~ copy of the rules promulgated under sub. (1) shall be made available to all applicants for licensing, ~~as well as~~ and to all licensed psychologists, ~~when amendments~~ whenever changes are made to those standards. ~~Nothing in this chapter shall be construed to authorize the psychologist to engage in the practice of medicine~~ rules.

\*\*\*\*NOTE: This may no longer be necessary as the Wisconsin Administrative Code is easily accessible online.

*\*If this is available online, does this take care of public notification duty?*

**SECTION 44.** 455.09 (title) of the statutes is repealed and recreated to read:

**455.09 (title) Disciplinary proceedings and actions.**

**SECTION 45.** 455.09 (1) (intro.) of the statutes is amended to read:

455.09 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the ~~examining~~ board may deny an application for a license, or may by order suspend for a period not exceeding one year, limit, revoke, or impose probationary conditions upon a license or reprimand a licensee if the applicant or licensee:

\*\*\*\*NOTE: I didn't include the material about different licensure statuses, because we have some provisions that apply across all types of credentials under chs. 440 to 480. For example, the terms "limit," "suspend," and "revoke" are defined under s. 440.01 (1), and our practice is to typically stay within that framework. If this seems problematic, I would suggest we discuss this further, possibly with DSPS.

*This is fine.*

**SECTION 46.** 455.09 (1) (b) of the statutes is amended to read:

455.09 (1) (b) Subject to ss. 111.321, 111.322 and 111.34, ~~engaged~~ engages in the practice of psychology ~~or the private practice of school psychology~~ while his or her ability to practice was impaired by alcohol or other drugs or while otherwise having a mental or physical impairment. In this paragraph, "mental or physical impairment" means a mental or physical impairment that would limit or eliminate a practitioner's ability to engage in the practice of psychology at the level required to competently discharge his or her tasks or duties and to protect the public interest while so doing.

**SECTION 47.** 455.09 (1) (d) of the statutes is repealed.

\*\*\*\*NOTE: This was not in the instructions, so I repealed it. If that's not the intent, let me know. *We'd like to keep this in.*

**SECTION 48.** 455.09 (1) (f) of the statutes is repealed.

\*\*\*\*NOTE: This was not in the instructions, so I repealed it. If that's not the intent, let me know. **We'd like to keep this in.**

**SECTION 49.** 455.09 (1) (g) of the statutes is amended to read:

455.09 (1) (g) Violates this chapter or any rule ~~of professional conduct~~ promulgated under this chapter.

\*\*\*\*NOTE: Is this OK? This language is more typical, and since the code of professional conduct is established in a rule, this would cover that too.

**Fine.**

**SECTION 50.** 455.09 (1) (h) of the statutes is repealed.

\*\*\*\*NOTE: This was not in the instructions, so I repealed it. If that's not the intent, let me know. **We'd like to keep this in.**

**SECTION 51.** 455.09 (1) (i) of the statutes is created to read:

455.09 (1) (i) Refuses to submit to an examination under s. 455.095, or is found to be physically or mentally incapable of engaging in the practice of psychology under s. 455.095.

\*\*\*\*NOTE: Will this language work? **Fine.**

**SECTION 52.** 455.09 (3) of the statutes is amended to read:

455.09 (3) A revoked license may not be renewed. One year from the date of revocation of a license under this chapter, application may be made for reinstatement. The ~~examining~~ board may accept or reject an application for reinstatement. If reinstatement is granted under this subsection, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee. This subsection does not apply to a license that is revoked under s. 440.12.

\*\*\*\*NOTE: Did you want to keep this provision? See also s. 455.09 (2).

**Please keep it in.**

**SECTION 53.** 455.095 of the statutes is created to read:

**455.095 Determination of mental or physical impairment. (1)**

When there is reasonable cause to believe that an individual licensed under this chapter or applicant for a license under this chapter is physically or mentally incapable of engaging in the practice of psychology with reasonable skill such that the applicant or licensee may endanger the safety of clients or patients, the board may require the licensee or applicant in question to submit to a psychological examination by a psychologist designated by the board to determine psychological functioning to practice or a physical examination by a physician designated by the board to determine physical functioning to practice.

**(2)** The board shall consider the findings and conclusions of an examination under sub. (1) and any other evidence or material submitted to the board by the licensee or applicant in question or any other individual and shall determine if the licensee or applicant is physically or mentally incapable of engaging in the practice of psychology with reasonable skill such that the applicant or licensee may endanger the safety of clients or patients.

**SECTION 54.** 455.10 of the statutes is amended to read:

**455.10 Injunctive relief.** Violation of s. 455.02 may be enjoined in an action brought by the attorney general on petition by the ~~examining~~ board. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the violation, the court shall enjoin the respondent from further violations thereof until

he or she has been duly licensed. The remedy given by this section is in addition to criminal prosecution under s. 455.11.

\*\*\*\*NOTE: We may want to discuss repealing this provision instead, as this is already addressed by s. 440.21, and a recent U.S. Supreme Court case held that having boards enforce laws against practicing without a license raised antitrust issues.

A review of 440.21 suggests this is okay to repeal.

**SECTION 55.** 455.11 of the statutes is amended to read:

**455.11 Penalty.** Any person who violates this chapter may be fined not more than ~~\$200~~ \$1,000 or imprisoned not exceeding 6 months or both.

\*\*\*\*NOTE: I wasn't sure what "current standards should be used" here meant, but I did change "\$200" to "\$1,000" here as shown. **Fines not correct if referring to 440.21 (4) a & b.**

\*\*\*\*NOTE: I did not include a "severability" provision because we already have such a provision that applies globally, s. 990.001 (11).

**We wonder if there should just be reference back to 440.21 as the penalty is clearly stated there.**

**SECTION 56.** 457.08 (4) (c) 3. of the statutes is amended to read:

457.08 (4) (c) 3. A psychiatrist or a health service psychologist licensed under ch. 455.

**SECTION 57.** 457.10 (3) (c) of the statutes is amended to read:

457.10 (3) (c) A psychiatrist or a health service psychologist licensed under ch. 455.

**SECTION 58.** 457.12 (3) (a) 3. of the statutes is amended to read:

457.12 (3) (a) 3. A psychiatrist or a health service psychologist licensed under ch. 455.

**SECTION 59.** 457.12 (3) (b) 3. of the statutes is amended to read:

457.12 (3) (b) 3. A psychiatrist or a health service psychologist licensed under ch. 455.

**SECTION 60.** 632.89 (1) (e) 3. of the statutes is amended to read:

632.89 (1) (e) 3. A health service psychologist licensed under ch. 455.

**SECTION 61.** 632.895 (12m) (b) 2. of the statutes is repealed and recreated to read:

632.895 (12m) (b) 2. A health service psychologist licensed under s. 455.035 (1) (a) or (b).

**SECTION 62.** 895.441 (1) (b) of the statutes is amended to read:

895.441 (1) (b) "Psychologist" means ~~—a person who practices psychology, as described in s. 455.01 (5)~~ an individual who is a health service psychologist licensed under ch. 455.

**SECTION 63.** 905.04 (1) (e) of the statutes is amended to read:

905.04 (1) (e) "Psychologist" means a ~~licensed~~ psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, or a person reasonably believed by the patient to be a psychologist.

\*\*\*\*NOTE: I did not qualify "psychologist" here as "health service psychologist" for purposes of this provision, the privilege provision. Let me know if you think it should be.

**Fine.**

**SECTION 64.** 939.615 (6) (e) of the statutes is amended to read:

939.615 (6) (e) A person filing a petition requesting termination of lifetime supervision who is entitled to a hearing under par. (d) 2. shall be examined by a person who is either a physician or a health service psychologist licensed under ch. 455 and who is approved by the court. The physician or psychologist who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for

termination of lifetime supervision is a danger to public. The physician or psychologist shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the person filing the petition and the district attorney who received a copy of the person's petition under par. (c). The contents of the report shall be confidential until the physician or psychologist testifies at a hearing under par. (f). The person petitioning for termination of lifetime supervision shall pay the cost of an examination required under this paragraph.

**SECTION 65.** 940.22 (1) (c) of the statutes is amended to read:

940.22 (1) (c) "Psychologist" means ~~a person who practices psychology, as described in s. 455.01 (5)~~ an individual who is a health service psychologist licensed under ch. 455.

**SECTION 66.** 971.16 (1) (b) of the statutes is amended to read:

971.16 (1) (b) "Psychologist" means ~~a person holding a valid license under s. 455.04~~ health service psychologist licensed under ch. 455.

Other notes:

1) We need to ask the LRB if /how we need to accommodate this section of 440 in our statute 455:

**440.09 Reciprocal credentials for the spouses of service members.**

(1) In this section, "service member" means a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.

(2) The department and each credentialing board shall grant a reciprocal credential to an individual who the department or credentialing board determines meets all of the following requirements:

(a) The individual applies for a reciprocal credential under this section on a form prescribed by the department or credentialing board.

- (b) The individual is the spouse of a service member, and the spouse and service member temporarily reside in this state as a result of the service member's service in the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.
- (c) The individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.
- (d) The individual pays the fee specified under s. [440.05 \(2\)](#).
- (e) The individual meets any other requirements established by the department or credentialing board by rule.

**(3)** A reciprocal credential granted under this section expires 180 days after the date the department or credentialing board issues the reciprocal credential unless, upon application by the holder of the reciprocal credential, the department or credentialing board extends the reciprocal credential.

2) Should this be included in statute or would LRB recommend against it? Doesn't appear to be covered elsewhere:

#### J. Duty to report

1. The board has an affirmative duty to report any action taken against a licensee which finds a violation of a statute or regulation that is a matter of public record to:

- A) the healthcare integrity and protection data bank (HIPDB); and
- B) the ASPPB disciplinary data system (DDS);

2. A psychologist whose license has been actively suspended or revoked shall notify:

- A) all active clients/patients, in writing, of the board action; and
- B) the board, once all notifications to clients/patients have been made.

3. A psychologist shall notify all boards where he/she is licensed or in the process of becoming licensed, of any public disciplinary actions.

3) We need the following additional issues addressed:

a. A way to grandfather current license holders.

b. Authorize the board to develop rules for the designation of those grandfathered in as being HSPs or ACPs.

c. We need to authorize the board for the following: **The board shall draft rules and work with departmental staff to define the information needed to make licensing decisions.**

d. An individual may hold both licenses given that they apply for both, meet the requirements for both, and pay fees for both. If you are licensed under one category and want to be licensed under another category you have to obtain the additional required training.

**(END)**