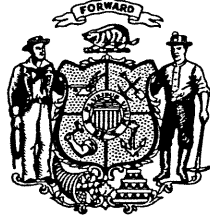


***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-206**

AN ORDER to repeal Psy 2.09 (1) (j) and (2) and 5.02 (1) (intro.), (a) and (b); to renumber and amend Psy 2.12; to amend Psy 1.01, 1.02 (5), 2.01 (1), (2) and (7), 2.02 (2), 2.09 (1) (a), (3) (a) 2., 10., (b) and (c) and (4), 3.01 (1) and (2), 4.01, 4.03 (title), (intro.) and (2) and 5.01 (7); to repeal and recreate Psy 4.02 (2), (3) and (4); and to create Psy 5.01 (32), relating to requirements for examination and licensure of psychologists, renewal and conduct.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-14-98      RECEIVED BY LEGISLATIVE COUNCIL.  
01-15-99      REPORT SENT TO AGENCY.

RNS:DD:kjf;jal

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

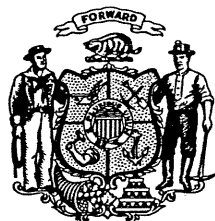
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-206

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

a. The department's analysis states that the rule provides that supervisors be licensed psychologists who have had at least three years of post-licensure professional experience. The three-year experience requirement does not appear to be in the rule.

b. Both ss. Psy 2.01 (1) and 3.01 (1) currently reference a form. [See s. 1.09 (2), Manual.] While the rule does not require a new or revised form, there is no indication in the current rule regarding how to obtain a copy of the form. A note that explains this would be helpful.

c. Given the introductory clause of s. Psy 2.09 (1), it appears that s. Psy 2.09 (1) (a) should read: "Training in professional psychology ~~is~~ consisting of doctoral training offered in a regionally accredited institution of higher education."

d. There is no explanation in the department's analysis regarding the repeal of s. Psy 2.09 (1) (j).

e. The current use of "should be" in the first sentence of s. Psy 2.09 (3) (a) 2. should be reviewed. It appears that "shall be" reflects the intent of the sentence.

f. In s. Psy 2.09 (3) (a) 10., first sentence, the use of “must be” should be reviewed; “shall be” is the preferred drafting style. There is no explanation in the department’s analysis for the repeal of the last sentence of the subdivision.

g. In s. Psy 2.09 (3) (c), third sentence, there is a typographical error: “top” should be “stop.”

h. In s. Psy 2.09 (4), “be required to” and “make such inquiry of them” should be stricken and the latter should be replaced by “question the applicant.”

i. The changes to s. Psy 2.12 (1) (title) should be shown with strike-throughs and underscores.

j. Section Psy 4.01 fails to set forth the remainder of the current provision.

k. In s. Psy 4.02 (2) (intro.) and (3) (intro.), “all of” should be inserted before “the following.”

l. There is no subsection title to s. Psy 4.02 (4). [See s. 1.05 (1), Manual.] In the first sentence of sub. (4), “shall” or “may” should replace “will,” depending on what is intended. In the second sentence of sub. (4), it is suggested that “for compliance with continuing education requirements” be inserted before the comma.

m. It appears that consideration should be given to including some transition provisions in the rule. For example, initial applicability provisions may be warranted on provisions relating to supervisor qualifications, continuing education requirements and unprofessional conduct.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In ss. Psy 2.01 (2) and 3.01 (2), the current reference to s. 440.05 (2), Stats., appears to be too narrow.

b. In s. Psy 2.01 (7), it appears that the examination referred to (presumably, the written examination on the practice of psychology) can be more specifically referenced by cross-referencing the appropriate statutory or administrative rule section.

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

a. In the second sentence of the first paragraph of the department’s analysis, “is” should precede “not.”

b. Section Psy 2.12 (4) fails to indicate under what subsection an applicant otherwise covered under sub. (4) is to be licensed if the applicant has been disciplined by the licensing board of any state or province. Is sub. (1) to be used in that situation?

c. The reference in s. Psy 4.02 (3) to "acceptable" continuing education programs is unclear in the context of the entire section. For example, how does sub. (3) relate to sub. (2)? It is also noted that there appears to be nothing to replace current subs. (3) and (4). Is that intended?

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 98- )

---

PROPOSED ORDER

An order of the Psychology Examining Board to **repeal** Psy 2.09 (1) (j) and (2) and 5.02 (1) (intro.), (a) and (b); to **renumber and amend** Psy 2.12; to **amend** Psy 1.01, 1.02 (5), 2.01 (1), (2) and (7), 2.02 (2), 2.09 (1) (a), (3) (a) 2., 10., (b), (c) and (4), 3.01 (1) and (2), 4.01, 4.03 (title), (intro.) and (2) and 5.01 (7); to **repeal and recreate** Psy 4.02 (2), (3) and (4); to **create** Psy 5.01 (32), relating to requirements for examination and licensure of psychologists, renewal and conduct.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 and 455.08, Stats. ✓ ✓

Statutes interpreted: ss. 455.01, 455.04, 455.045, 455.06, 455.065 and 455.08, Stats. ✓ ✓ ✓ ✓ ✓

In this proposed rule-making order the Psychology Examining Board clarifies the requirements for licensure for those holding a doctoral degree in psychology and the qualification and responsibility of supervisors. The clarification includes, but not limited to, licensure by reciprocity, licensure of holders of the certificate of professional qualification, licensure of senior psychologists, renewal of a lapsed license, along with approval of continuing education programs and acceptable continuing education programs.

Rules are amended relating to qualification of persons supervising psychological trainees to create minimum experience requirements and to provide that supervisors must be licensed as psychologists. Continuing education rules are amended for purposes of simplification and the convenience of licensees, and to provide for audits of compliance with continuing education requirements. The board is attempting to facilitate licensure of persons licensed in other states by becoming signatory to the agreement of reciprocity of the Association of State and Provincial Psychology Boards. The board proposes amendments designed to make the board eligible to participate in the agreement without significantly changing the actual procedures followed by the board in the licensure process.

The board has become aware that the supervision of future candidates for a license who are engaged in meeting the supervised experience requirements is occasionally carried out by

inexperienced persons who may not be qualified to carry out the required supervisory responsibilities. The board proposes to create amendments which would create such minimum qualifications, primarily by requiring that supervisors be licensed psychologists who have had at least three years of post-licensure professional experience. ✓

where  
in rule?

The rules establishing the requirements for approval of continuing education have evolved in a somewhat disorganized manner and are confusing to licensees and difficult for the board to administer. The board proposes repeal and recreation of s. Psy 4.02 (2), (3) and (4), designed to remedy that situation by clarifying and simplifying the approval process.

The board requires that licensees at the time of biennial renewal of their licenses certify to having completed 40 hours of board-approved continuing education. In auditing licensees under investigation for allegations of misconduct, the board has found that a significant number of such licensees have not in fact completed required continuing education. The board proposes to create a rule which would provide for random audit of ten percent of all licensees during each biennial licensing period.

The board's current rules of conduct define as unprofessional conduct conviction of a crime the circumstances of which substantially relate to the practice of psychology, but do not define as unprofessional conduct adverse action by the psychology licensing board in another state. The board proposes the creation of a new disciplinary rule which would remedy that situation.

Section Psy 2.02 (2), provides that applicants must complete their application before the first of the month prior to the month in which the examination is given. In some instances, this is insufficient time to complete the arrangements for admission to the examination. The board would propose amending the rule to increase the time for processing examination applications to at least 30 days.

Rules are also amended relating to form, style and grammar of existing rules in order to improve readability; changes are made relating to examination passing scores; and changes also update citations referencing statutes which have been renumbered, modified or repealed.

---

TEXT OF RULE

SECTION 1. Psy 1.01 is amended to read:

Psy 1.01 The rules in chs. Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a) and 445.08, 455.045 (3), 455.065 (1), 455.065 (3), 455.065 (5), 455.08 and 455.09 (1) (g), Stats.

SECTION 2. Psy 1.02 (5) is amended to read:

Psy 1.02 (5) "Disciplinary proceeding" means a proceeding against one or more licensees in which the board determines whether or not to revoke or suspend a license, to reprimand a licensee, or to limit a license, or refuse to renew a license.

SECTION 3. Psy 2.01 (1), (2) and (7) are amended to read:

Psy 2.01 (1) The properly completed and signed application form accompanied by a recent full-face photograph of the applicant.

(2) The application fee ~~specified under~~ authorized by s. 440.05 (2), Stats.

*a written exam procedure* (7) Evidence of successful completion of ~~the professional practice of psychology~~ an examination prepared by professional examination services approved by the board.

SECTION 4. Psy 2.02 (2) is amended to read:

Psy 2.02 (2) No applicant may be admitted to the examination on the professional practice of psychology unless the requirements stated in s. Psy 2.01 (1) to (3) have been met ~~before the first of the month immediately~~ at least 30 days prior to the board meeting preceding the date of the examination.

SECTION 5. Psy 2.09 (1) (a) is amended to read: *what is or consisting of*

Psy 2.09 (1) (a) Training in professional psychology is must be doctoral training offered in a regionally accredited institution of higher education.

SECTION 6. Psy 2.09 (1) (j) is repealed. *- explanation*

SECTION 7. Psy 2.09 (2) is repealed.

SECTION 8. Psy 2.09 (3) (a) 2., 10., (b), (c) and (4) are amended to read:

*ed. as follows* Psy 2.09 (3) (a) 2. The first 1,500 hours of the experience should be under the direction of one licensed ~~or license-eligible~~ psychologist who satisfied the requirements of pars. (b) and (c) and who shall be responsible for the integrity and the quality of the training. It shall be planned, organized and integrated, and appropriate to the intended area of practice. There shall be a minimum of 2 hours per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with services rendered directly by the trainee. There must also be at least 2 additional hours per week in learning activities such as: case conferences, seminars, addressing practice issues, co-therapy with a staff person including discussion, group supervision or additional individual supervision.

10. There must be multidisciplinary team membership with the trainees being teamed with other professional specialists in serving clients. It is desirable that trainees also be teamed with other psychologists and other trainees. ~~It is the responsibility of the applicant to demonstrate that he or she had a variety of role models within the field of psychology.~~ *explanation*



psychological trainee

(b) *Qualifications of supervisor.* All supervisors of the trainee shall be licensed or ~~license-eligible~~ psychologists and shall have adequate training, knowledge and skill to render competently any psychological service that a psychological trainee undertakes. The supervisor may not permit a trainee to engage in any psychological practice that the supervising psychologist cannot competently perform. Supervisors shall not be a relative by blood or marriage nor be involved in any other dual relationship which obliges the supervisor to the supervisee trainee.

(c) *Responsibility of supervisor.* All supervisors shall be legally and ethically responsible for the activities of the psychological trainee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall be able to interrupt or ~~stop~~ <sup>are</sup> the supervisee trainee from practicing in given cases and to stop the supervisory relationship if necessary. All supervisors of the trainee shall be required to provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weaknesses, shall be written and discussed with the supervisee trainee on at least a quarterly basis.

(4) APPEARANCE BEFORE THE BOARD. The applicant ~~may~~ shall be required to appear before the board in person prior to licensure to allow the board to ~~make such inquiry of them~~ <sup>quality the applicant</sup> as to qualifications and other matters as it considers proper.

SECTION 9. Psy 2.12 is renumbered Psy 2.12 (1) and Psy 2.12 (1) (title), as renumbered, is amended to read:

Psy 2.12 (1) (title) LICENSURE BY COMITY. *← Don Dargatz*

SECTION 10. Psy 2.12 (2), (3) and (4) are created to read:

Psy 2.12 (2) LICENSURE BY RECIPROCITY. Applicants who are licensed in another state which is signatory to the agreement of reciprocity of the association of state and provincial psychology boards, and who apply on or after the effective date that the board becomes signatory to that agreement, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11). *1.02 (2)*

(3) LICENSURE OF HOLDERS OF THE CERTIFICATE OF PROFESSIONAL QUALIFICATION. Applicants who are licensed in another state who hold the certificate of professional qualification in psychology issued by the association of state and provincial psychology boards shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

(4) LICENSURE OF SENIOR PSYCHOLOGISTS. Applicants who have been licensed for 20 or more years in another licensing jurisdiction of the United States or Canada that had requirements for licensure substantially equivalent to the requirements for licensure in this state at the time of original licensure, and who have never been disciplined by the licensing board of any state or province, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11). *what if disciplined? → (2) or (3) or (4)*

*which are identical to (4)*

SECTION 11. Psy 3.01 (1) and (2) are amended to read:

Psy 3.01 (1) The properly completed and signed application form ~~accompanied by a recent full-face photograph of the applicant.~~

(2) The application fee ~~specified under~~ authorized by s. 440.05 (2), Stats.

*Approved  
Continued  
2.21.06*

SECTION 12. Psy 4.01 is amended to read:

Psy 4.01 **Biennial renewal.** On or before September 30 of the odd-numbered year following issuance of the license, the licensee shall apply for renewal to the department and submit the fee specified in s. 440.05 (3) 440.08 (2) (a), Stats. ... *Rest of section*

SECTION 13. Psy 4.02 (2), (3) and (4) are repealed and recreated to read:

Psy 4.02 (2) **APPROVAL OF CONTINUING EDUCATION PROGRAMS.** The board shall approve the following programs and courses:

*cf. 457.065*

(a) Continuing education programs and courses sponsored or co-sponsored by a presenter approved by the committee for the approval of continuing education sponsors of the American psychological association.

(b) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American medical association or the American osteopathic association.

(c) Graduate level courses or continuing education courses relevant to the professional practice of psychology offered by accredited colleges and universities.

(d) Continuing education courses approved by the psychology licensing board in another state where the participant is also licensed.

(3) **ACCEPTABLE CONTINUING EDUCATION PROGRAMS.** "Acceptable" continuing education programs shall meet the following criteria:

*How does sub. (3) relate to sub. (2)?*

*all of*

(a) The subject matter is psychology or relevant to the practice of psychology.

(b) The sponsor agrees to monitor the attendance and furnish to each participant a certificate of attendance.

(c) The program presenters are competent in the area of the subject matter presented.

*Note current sub (2) and (3) → anything to replace?*

(d) The intended audience is psychologists or persons with sufficient professional background to support a level of program content appropriate to licensed psychologists.

(e) Where feasible, attainment of learning objectives is assessed.

(f) The sponsor, program and presenter follow the principles set forth in the American psychological association code of conduct.

(4) <sup>title ✓</sup> Applicants for renewal <sup>will</sup> be asked to certify their attendance at required continuing education. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis, and shall audit any licensee who is under investigation by the board for alleged misconduct. <sup>for compliance with...</sup>

SECTION 14. Psy 4.03 (title), (intro.) and (2) are amended to read:

*copy*  
Psy 4.03 (title) ~~Reinstatement~~ Renewal of a lapsed license. (intro.) Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for ~~reinstatement~~ renewal of the license as follows:

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on ~~reinstatement~~ renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice psychologist under s. 455.04 (4), Stats. Notwithstanding any presumption of competency under this subsection, the examining board shall require each applicant under this subsection to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

*→ unprofessional conduct*  
SECTION 15. Psy 5.01 (7) is amended to read:

Psy 5.01 (7) Reporting distorted, erroneous, ~~and/or~~ or misleading psychological information.

SECTION 16. Psy 5.01 (32) is created to read:

Psy 5.01 (32) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice psychology which becomes limited, restricted, suspended, or revoked, or having been subject to

other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 17. Psy 5.02 (1) (intro.), (a) and (b) are repealed.

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(END OF TEXT OF RULE)

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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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Psychology Examining Board

#### FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

#### INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a). Stats.

g:\rules\psyl.doc  
12/14/98

**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 98-206)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the PSYCHOLOGY EXAMINING BOARD is submitting in final draft form proposed rules relating to requirements for examination and licensure of psychologists, renewal and conduct.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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MAR 11 REC'D

'99

MAR



Tommy G. Thompson  
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



Marlene A. Cummings  
Secretary

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# Administrative Rules in Final Draft Form

## Psychology Examining Board

### Rule: Chapters Psy 1 to Psy 5

#### Relating to: Examinations, Licensure, Renewal and Conduct

#### Clearinghouse Rule: No. 98-206

**STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-206  
PSYCHOLOGY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making order the Psychology Examining Board clarifies the requirements for licensure for those holding a doctoral degree in psychology and the qualification and responsibility of supervisors. The clarification includes, but is not limited to, licensure by reciprocity, licensure of holders of the certificate of professional qualification, licensure of senior psychologists, renewal of a lapsed license, along with approval of continuing education programs and acceptable continuing education programs.

Rules are amended relating to qualification of persons supervising psychological trainees to create minimum experience requirements and to provide that supervisors must be licensed as psychologists. Continuing education rules are amended for purposes of simplification and the convenience of licensees, and to provide for audits of compliance with continuing education requirements. The board is attempting to facilitate licensure of persons licensed in other states by becoming signatory to the agreement of reciprocity of the Association of State and Provincial Psychology Boards. The board proposes amendments designed to make the board eligible to participate in the agreement without significantly changing the actual procedures followed by the board in the licensure process.

The board has become aware that the supervision of future candidates for a license who are engaged in meeting the supervised experience requirements is occasionally carried out by inexperienced persons who may not be qualified to carry out the required supervisory responsibilities. The board proposes to create amendments which would create such

minimum qualifications, primarily by requiring that supervisors be licensed psychologists who have had at least three years of post-licensure professional experience.

The rules establishing the requirements for approval of continuing education have evolved in a somewhat disorganized manner and are confusing to licensees and difficult for the board to administer. The board proposes repeal and recreation of s. Psy 4.02 (2) and (4), designed to remedy that situation.

The board requires that licensees at the time of biennial renewal of their licenses certify to having completed 40 hours of board-approved continuing education. In auditing licensees under investigation for allegations of misconduct, the board has found that a significant number of such licensees have not in fact completed required continuing education. The board proposes to create a rule which would provide for random audit of ten percent of all licensees during each biennial licensing period.

The board's current rules of conduct define as unprofessional conduct conviction of a crime the circumstances of which substantially relate to the practice of psychology, but in another state. The board proposes the do not define as unprofessional conduct adverse action by the psychology licensing board creation of a new disciplinary rule which would remedy that situation.

Section Psy 2.02 (2), provides that applicants must complete their application before the first of the month prior to the month in which the examination is given. In some instances, this is insufficient time to complete the arrangements for admission to the examination. The board would propose amending the rule to increase the time for processing examination applications to at least 30 days. Section Psy 2.09 (1) (j) does not accurately characterize the requirement at s. 455.04 (1) (c), Stats., and is therefore repealed.

Rules are also amended relating to form, style and grammar of existing rules in order to improve readability; changes are made relating to examination passing scores, and changes also update citations referencing statutes which have been renumbered modified or repealed.

#### **V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on January 11, 1999. Sarah Bowen, Madison, representing the Society of Clinical and Consulting Psychologists appeared and registered in support of the proposed rules. There were no other appearances at the public hearing, nor were any written comments received.

#### **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 2.e. The current use of "should be" in the first sentence of s. Psy 2.09 (3) (a) 2. should be reviewed. It appears that "shall be" reflects the intent of the sentence.

Response: The current reading is appropriate as the board does permit exceptions.



Comment 2.h. In Psy 2.09 (4), “be required to” and “make such inquiry of them” should be stricken and the latter should be replaced by “question the applicant.”

Response: The current language has been examined and approved by the Attorney General.

Comment 5.b. Section Psy 2.12 (4) fails to indicate under what subsection an applicant otherwise covered under sub. (4) is to be licensed if the applicant has been disciplined by the licensing board of any state or province. Is sub. (1) to be used in that situation?

Response: It seems clear that if an applicant does not meet the requirements for licensure under s. Psy 2.12 (4), the application must be submitted under one of the alternative routes to licensure.

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

## **VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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 98-206)

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PROPOSED ORDER

An order of the Psychology Examining Board to **repeal** Psy 2.09 (1) (j), (2) and 4.02 (3); to **renumber and amend** Psy 2.12; to **amend** Psy 1.01, 1.02 (5), 2.01 (1), (2) and (7), 2.02 (2), 2.09 (1) (a), (3) (a) 2., 10., (b), (c) and (4), 3.01 (1) and (2), 4.01, 4.03 (title), (intro.) and (2) and 5.01 (7) and 5.02 (1); to **repeal and recreate** Psy 4.02 (2) and (4); to **create** a Note following Psy 2.09 (1) (b), 5.01 (32), relating to requirements for examination and licensure of psychologists, renewal and conduct.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 and 455.08, Stats.

Statutes interpreted: ss. 455.01, 455.04, 455.045, 455.06, 455.065 and 455.08, Stats.

In this proposed rule-making order the Psychology Examining Board clarifies the requirements for licensure for those holding a doctoral degree in psychology and the qualification and responsibility of supervisors. The clarification includes, but is not limited to, licensure by reciprocity, licensure of holders of the certificate of professional qualification, licensure of senior psychologists, renewal of a lapsed license, along with approval of continuing education programs and acceptable continuing education programs.

Rules are amended relating to qualification of persons supervising psychological trainees to create minimum experience requirements and to provide that supervisors must be licensed as psychologists. Continuing education rules are amended for purposes of simplification and the convenience of licensees, and to provide for audits of compliance with continuing education requirements. The board is attempting to facilitate licensure of persons licensed in other states by becoming signatory to the agreement of reciprocity of the Association of State and Provincial Psychology Boards. The board proposes amendments designed to make the board eligible to participate in the agreement without significantly changing the actual procedures followed by the board in the licensure process.

The board has become aware that the supervision of future candidates for a license who are engaged in meeting the supervised experience requirements is occasionally carried out by

inexperienced persons who may not be qualified to carry out the required supervisory responsibilities. The board proposes to create amendments which would create such minimum qualifications, primarily by requiring that supervisors be licensed psychologists who have had at least three years of post-licensure professional experience.

The rules establishing the requirements for approval of continuing education have evolved in a somewhat disorganized manner and are confusing to licensees and difficult for the board to administer. The board proposes repeal and recreation of s. Psy 4.02 (2) and (4), designed to remedy that situation by clarifying and simplifying the approval process.

The board requires that licensees at the time of biennial renewal of their licenses certify to having completed 40 hours of board-approved continuing education. In auditing licensees under investigation for allegations of misconduct, the board has found that a significant number of such licensees have not in fact completed required continuing education. The board proposes to create a rule which would provide for random audit of ten percent of all licensees during each biennial licensing period.

The board's current rules of conduct define as unprofessional conduct conviction of a crime the circumstances of which substantially relate to the practice of psychology, but do not define as unprofessional conduct adverse action by the psychology licensing board in another state. The board proposes the creation of a new disciplinary rule which would remedy that situation.

Section Psy 2.02 (2), provides that applicants must complete their application before the first of the month prior to the month in which the examination is given. In some instances, this is insufficient time to complete the arrangements for admission to the examination. The board would propose amending the rule to increase the time for processing examination applications to at least 30 days. Section Psy 2.09 (1) (j) does not accurately characterize the requirement at s. 455.04 (1) (c), Stats., and is therefore repealed.

Rules are also amended relating to form, style and grammar of existing rules in order to improve readability; changes are made relating to examination passing scores; and changes also update citations referencing statutes which have been renumbered, modified or repealed.

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TEXT OF RULE

SECTION 1. Psy 1.01 is amended to read:

Psy 1.01 The rules in chs. Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a) and ~~445.08~~, 455.045 (3), 455.065 (1), 455.065 (3), 455.065 (5), 455.08 and 455.09 (1) (g), Stats.

SECTION 2. Psy 1.02 (5) is amended to read:

Psy 1.02 (5) "Disciplinary proceeding" means a proceeding against one or more licensees in which the board determines whether or not to revoke or suspend a license, to reprimand a licensee, ~~or to limit a license,~~ or refuse to renew a license.

SECTION 3. Psy 2.01 (1), (2) and (7) are amended to read:

Psy 2.01 (1) The properly completed and signed application form ~~accompanied by a recent full face photograph of the applicant.~~

Note: Applications are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The application fee ~~specified under~~ authorized by s. 440.05 ~~(2)~~ (1), Stats.

(7) Evidence of successful completion of a ~~the professional practice of psychology~~ written examination prepared by professional examination services on the practice of psychology approved by the board.

SECTION 4. Psy 2.02 (2) is amended to read:

Psy 2.02 (2) No applicant may be admitted to the examination on the professional practice of psychology unless the requirements stated in s. Psy 2.01 (1) to (3) have been met ~~before the first of the month immediately~~ at least 30 days prior to the board meeting preceding the date of the examination.

SECTION 5. A Note following Psy 2.09 (1) (b) is created to read:

Note: Prior to [insert effective date] supervisors were required to be licensed or license eligible. The requirement that the primary supervisor be a licensed psychologist applies to supervised experience commenced after [insert effective date].

SECTION 6. Psy 2.09 (1) (a) is amended to read:

Psy 2.09 (1) (a) Training in professional psychology ~~is~~ consisting of doctoral training offered in a regionally accredited institution of higher education.

SECTION 7. Psy 2.09 (1) (j) is repealed.

SECTION 8. Psy 2.09 (2) is repealed.

SECTION 9. Psy 2.09 (3) (a) 2., 10., (b), (c) and (4) are amended to read:

Psy 2.09 (3) (a) 2. The first 1,500 hours of the experience should be under the direction of one licensed ~~or license-eligible~~ psychologist who satisfied the requirements of pars. (b) and (c) and who shall be responsible for the integrity and the quality of the training. It shall be planned, organized and integrated, and appropriate to the intended area of practice. There shall be a minimum of 2 hours per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with services rendered directly by the trainee. There must also be at least 2 additional hours per week in learning activities such as: case conferences, seminars,

addressing practice issues, co-therapy with a staff person including discussion, group supervision or additional individual supervision.

10. There ~~must~~ shall be multidisciplinary team membership with the trainees being teamed with other professional specialists in serving clients. It is desirable that trainees also be teamed with other psychologists and other trainees. It is the responsibility of the applicant to demonstrate that he or she had a variety of role models within the field of psychology.

(b) *Qualifications of supervisor.* ~~All supervisors of the trainee~~ The trainee's primary supervisor shall be licensed or license-eligible psychologists and shall have adequate training, knowledge and skill to render competently any psychological service that a psychological trainee undertakes. The supervisor shall have had at least 3 years of post-licensure experience and shall have had training or experience in supervision of psychological work. The supervisor may not permit a trainee to engage in any psychological practice that the supervising psychologist cannot competently perform. Supervisors shall not be a relative by blood or marriage nor be involved in any other dual relationship which obliges the supervisor to the ~~supervisee~~ trainee.

(c) *Responsibility of supervisor.* All supervisors shall be legally and ethically responsible for the activities of the psychological trainee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall be able to interrupt or stop the ~~supervisee~~ trainee from practicing in given cases and to stop the supervisory relationship if necessary. All supervisors of the trainee shall be required to provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weaknesses, shall be written and discussed with the ~~supervisee~~ trainee on at least a quarterly basis.

(4) APPEARANCE BEFORE THE BOARD. The applicant ~~may~~ shall be required to appear before the board in person prior to licensure to allow the board to make such inquiry of them as to qualifications and other matters as it considers proper.

SECTION 10. Psy 2.12 is renumbered Psy 2.12 (1) and Psy 2.12 (1) (title), as renumbered, is amended to read:

Psy 2.12 (1) (title) ~~REQUIREMENTS FOR PERSONS HOLDING A LICENSE TO PRACTICE PSYCHOLOGY IN ANOTHER STATE~~ LICENSURE BY COMITY.

SECTION 11. Psy 2.12 (2), (3) and (4) are created to read:

Psy 2.12 (2) LICENSURE BY RECIPROCITY. Applicants who are licensed in another state which is signatory to the agreement of reciprocity of the association of state and provincial psychology boards, and who apply on or after the effective date that the board becomes signatory to that agreement, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

(3) LICENSURE OF HOLDERS OF THE CERTIFICATE OF PROFESSIONAL QUALIFICATION. Applicants who are licensed in another state who hold the certificate of professional qualification in psychology issued by the association of state and provincial psychology boards shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

(4) LICENSURE OF SENIOR PSYCHOLOGISTS. Applicants who have been licensed for 20 or more years in another licensing jurisdiction of the United States or Canada that had requirements for licensure substantially equivalent to the requirements for licensure in this state at the time of original licensure, and who have never been disciplined by the licensing board of any state or province, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

SECTION 12. Psy 3.01 (1) and (2) are amended to read:

Psy 3.01 (1) The properly completed and signed application form ~~accompanied by a recent full face photograph of the applicant.~~

Note: Applications are available on request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The application fee ~~specified under~~ authorized by s. 440.05 ~~(2)~~ (1), Stats.

SECTION 13. Psy 4.01 is amended to read:

Psy 4.01 **Biennial renewal.** On or before September 30 of the odd-numbered year following issuance of the license, the licensee shall apply for renewal to the department and submit the fee specified in s. ~~440.05 (3)~~ 440.08 (2) (a), Stats., and shall meet the continuing education requirements specified in s. Psy 4.02.

SECTION 14. Psy 4.02 (2) is repealed and recreated to read:

Psy 4.02 (2) APPROVAL OF CONTINUING EDUCATION PROGRAMS. The board shall approve all of the following programs and courses:

(a) Continuing education programs and courses sponsored or co-sponsored by a presenter approved by the committee for the approval of continuing education sponsors of the American psychological association.

(b) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American medical association or the American osteopathic association.

(c) Graduate level courses or continuing education courses relevant to the professional practice of psychology offered by accredited colleges and universities.

(d) Continuing education courses approved by the psychology licensing board in another state where the participant is also licensed.

SECTION 15. Psy 4.02 (3) is repealed.

SECTION 16. Psy 4.02 (4) is repealed and recreated to read:

Psy 4.02 (4) **PROOF OF ATTENDANCE AT CONTINUING EDUCATION PROGRAMS.** Applicants for renewal shall be asked to certify their attendance at required continuing education. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

SECTION 17. Psy 4.03 (title), (intro.) and (2) are amended to read:

Psy 4.03 (title) **~~Reinstatement~~ Renewal of a lapsed license.** (intro.) Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for ~~reinstatement~~ renewal of the license as follows:

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on ~~reinstatement~~ renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice psychologist under s. 455.04 (4), Stats. Notwithstanding any presumption of competency under this subsection, the examining board shall require each applicant under this subsection to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

SECTION 18. Psy 5.01 (7) is amended to read:

Psy 5.01 (7) Reporting distorted, erroneous, ~~and/or~~ or misleading psychological information.

SECTION 19. Psy 5.01 (32) is created to read:

Psy 5.01 (32) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice psychology which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government,

including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 20. Psy 5.02 (1) is amended to read:

Psy 5.02 (1) In disciplinary proceedings that result in stipulation, a settlement, reprimand, suspension, revocation, or limitation of a license issued by this board, the standard departmental policies will be followed.

~~(a) The board will publish notice of its action in a newspaper of general circulation in the county of residence and in the county of principal business location of the subject of disciplinary action.~~

~~(b) The board will send notice of its action to organizations with which the subject of the disciplinary action has a professional relationship.~~

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(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Psychology Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.



FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a). Stats.

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