
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Assembly Bill 487

Assembly Substitute Amendment 2 and Assembly Amendment 2 to Assembly Substitute Amendment 2

2019 Assembly Bill 487 makes a number of changes to the licensure of psychologists. Assembly Substitute Amendment 2 contains many of the same provisions as the bill, except as described below.

Assembly Amendment 2 to Assembly Substitute Amendment 2 makes two technical changes to align the language in the substitute amendment with newly enacted language in 2019 Wisconsin Act 90, which went into effect on February 7, 2020. The amendment to the substitute amendment does not make any substantive changes.

SUPERVISED EXPERIENCE REQUIREMENTS

Current statutes require an applicant for a psychologist license to have had at least one year of supervised experience in psychological work under conditions satisfactory to the Psychology Examining Board (“the board”). The board’s rules require 2,000 hours of post-doctoral supervised psychological experience within a 24-month period.¹

The bill repeals the current standard and requires instead that applicants complete any pre- and post-doctoral supervised experience requirements established by the board.

The substitute amendment requires instead that applicants complete 3,000 hours of supervised graduate-level experience in the practice of psychology. At least 1,500 of those hours must be in an internship, which takes place after the person completes all doctoral level coursework. The remaining 1,500 hours can be completed at any of the following times: after the first year of the doctoral program; after completion of a master’s degree in psychology; as part of the internship; or following completion of the internship.

INTERIM LICENSES

The bill authorizes the board to issue an interim license to a person who has completed all of the requirements for licensure as a psychologist except for the post-doctoral experience. **The substitute amendment** expands this provision. It allows the board to issue an interim license to a person who has not yet completed the post-doctoral experience, has not yet passed the licensure exam, or has not completed either of those requirements.

Under both the bill and the amendment, an interim license holder must work under the supervision of qualified supervisors, as determined by the board.

¹ Prior to 2011 Wisconsin Act 21 and Executive Order #50, the board’s rules required 3,000 hours of supervised experience, 1,500 of which had to be post-doctoral. These were repealed for lack of statutory authority.

DEFINITION OF THE PRACTICE OF PSYCHOLOGY

Current law defines the practice of psychology to mean rendering to any person for a fee a psychological service involving the application of principles, methods and procedures of understanding, predicting, and influencing behavior.² The statute provides that the application of these principles and methods includes: (1) psychological diagnosis, prevention, and treatment of problems in behavioral, vocational, educational, emotional, sexual, neuropsychological, and mental disorders; (2) treatment for alcohol and other substance abuse, disorders of habit and conduct, and the psychological and behavioral aspects of physical illness, accident, or other disabilities; and (3) other activities authorized by the board. [s. 455.01 (5), Stats.]

The bill redefines the practice of psychology to mean, for a fee, the observation, description, evaluation, interpretation, prediction, or modification of human behavior by the application of psychological principles, methods, or procedures for any of the following purposes: (1) preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior, and promoting adaptive health maintaining behavior or psychological functioning; (2) evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness; or (3) assisting in legal decision making.³

The substitute amendment retains the bill's definition, except that it deletes "evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness." It also deletes the specific statement (in footnote 3 below) that the practice of psychology includes provision of direct services for purposes of enhancing individual or organizational effectiveness.⁴

PSYCHOLOGY DEGREE PROGRAM APPROVAL

Currently, applicants must hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education. **Under the bill**, the degree must be from a program accredited by the American Psychological Association or the Canadian Psychological Association. **Under the substitute amendment**, the degree must be from a program accredited by an organization approved by the board.

² Specific examples given in the statutes are: (1) the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; (2) the methods and procedures of interviewing, counseling, psychotherapy, psychoanalysis, and biofeedback; and (3) the methods and procedures of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation.

³ The bill and substitute amendment also specify that the practice of psychology includes performing or supervising, for a fee, all of the following: (1) psychological testing and evaluation or assessment of a person's characteristics, including: intelligence; personality; cognitive, physical, or emotional abilities; skills; interests; aptitudes; or neuropsychological functioning; (2) counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior therapy, and applied behavior analysis; (3) diagnosis, treatment, or 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, or remediation; and (5) consultation with other psychologists, physicians, or other health care professionals and with a patient regarding all available treatment options with respect to the provision of care for a specific patient or client. The bill also includes **the provision of direct services to individuals or groups for the purposes of enhancing individual or organizational effectiveness, using psychological principles, methods, or procedures.**

⁴ The bill and substitute amendment also redefine "psychotherapy" to mean 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, or personality characteristics, or for the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

Under current law, the bill, and the substitute amendment, the board can also consider “other equivalent academic training or specialized experience.”

RECIPROCITY FOR OUT-OF-STATE LICENSEES

Currently, the board can waive licensure requirements, other than completion of the exam on state law related to the practice of psychology, if a person holds a diploma of the American Board of Examiners in Professional Psychology, or holds a certificate or license of an examining board of some other state or territory or foreign country or province, if the standards are deemed to be equivalent to Wisconsin’s standards and like reciprocity is extended to Wisconsin’s licensees.

The bill makes four changes to this standard: (1) it does not automatically allow reciprocity for a person who holds a diploma of the American Board of Examiners in Professional Psychology; (2) it requires that the out-of-state standards be “substantially equivalent” to Wisconsin’s standards rather than equivalent; (3) it removes the requirement that like reciprocity be extended to Wisconsin’s licensees; and (4) with regard to foreign licensees, it allows reciprocity only for persons licensed by a Canadian province.

The substitute amendment is the same as the bill, except that it only makes the first three changes described above.

TEMPORARY PRACTICE BY OUT-OF-STATE LICENSEES

Currently, psychologists licensed in another state or foreign country may practice for up to 60 days per year in Wisconsin without obtaining a Wisconsin license if the standards in that state or country are equivalent to or higher than Wisconsin’s licensure criteria. The psychologist must report the nature and extent of his or her practice to the board if it exceeds 20 days per year.

The bill changes this provision so that temporary practice is only authorized for those licensed in another state or Canada, rather than any foreign country. It also specifies that a person is considered to be providing services in Wisconsin when the client is located in Wisconsin.

The substitute amendment retains current law, except that it specifies that for this purpose a “day” means any part of a day during which services are rendered.

THE BOARD’S DISCIPLINARY AUTHORITY

Currently, in appropriate circumstances, the board may deny an application for a license. The board may also suspend for a period not exceeding one year, limit, revoke or impose probationary conditions upon a license or reprimand a licensee.

The bill retains this authority, except that it allows the board to suspend a license for any length of time and eliminates the board’s authority to impose probationary conditions on a license. It also makes changes to the circumstances under which discipline is appropriate, including specifically allowing the board to take disciplinary action when a licensee practices outside of the scope of his or her training, experience, or education. It also allows the board to require individuals to submit to a psychological exam when there is reasonable cause to believe that the individual is physically or mentally incapable of engaging in the practice of psychology with reasonable skill, such that he or she may endanger the safety of patients or clients.

The substitute amendment removes these provisions from the bill.

CONTINUING EDUCATION

The bill makes changes to continuing education requirements for psychologists, including that licensees must provide proof of continuing education completion with each application for renewal, and licensees must also maintain records of their continuing education for at least six years. The bill also allows the board to grant an exemption from continuing education requirements for retired psychologists, or to grant a postponement or waiver of continuing education requirements in the case of prolonged illness, disability, or extreme hardship.

The substitute amendment makes the same changes as the bill, except that it deletes the requirement that licensees retain proof of continuing education for at least six years.

OTHER PROVISIONS

The substitute amendment retains a number of other changes that the bill makes to psychology licensure, including the following:

- Changes the requirements for board membership. Currently, each of the board's four psychologist members must represent a different specialty area within the field of psychology. The bill and substitute amendment require instead that the Governor must, to the extent possible, nominate psychologists to the board who represent different specialty areas within the field of psychology.
- Discontinues the private practice school psychologist license. The board may not issue any new private practice school psychologist licenses, but any person who held such a license prior to the effective date of the bill may continue to renew it. In addition, persons credentialed by the Department of Public Instruction (DPI) may continue to practice in school settings as authorized by DPI.
- Modifies some of the exceptions to the requirement to hold a psychologist license, including for university employees, interns and trainees, and those engaged in employment counseling or testing.
- Prohibits the board from denying a license based upon an applicant's prior arrest but continues to allow the board to deny a license based on prior convictions.
- Changes the exam requirements. Currently, applicants must complete two written exams: (1) an exam on the practice of psychology; and (2) an exam in the elements of practice essential to the public health, safety, or welfare. Under the bill and substitute amendment, the second exam is changed to an exam on "state law related to the practice of psychology."

BILL HISTORY

Representative Tittl introduced 2019 Assembly Bill 487 on October 1, 2019, and offered Assembly Substitute Amendment 2 on January 16, 2020. On February 5, 2020, the Assembly Committee on Health unanimously recommended adoption of the substitute amendment and passage of the bill, as amended by the substitute amendment.

On February 17, 2020, Representative Tittl offered Assembly Amendment 2 to Assembly Substitute Amendment 2. On February 18, 2020, the Assembly adopted Assembly Amendment 2 to Assembly Substitute Amendment 2, adopted Assembly Substitute Amendment 2, as amended, and passed 2019 Assembly Bill 487, as amended, each on a voice vote.

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