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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?