

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : NOTICE OF PUBLIC HEARING
PSYCHOLOGY EXAMINING BOARD :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Psychology Examining Board in ss. 15.08(5)(b) and 455.065(1) and (3), Wis. Stats., and interpreting ss. 455.06 and 455.065, Wis. Stats., the Psychology Examining Board will hold a public hearing at the time and place indicated below to consider an order to renumber and amend Psy 4.03; amend Chapter Psy 4 (title); repeal Psy 4.02; and create Psy 4.015, 4.025, 4.03, 4.04, and 4.05 relating to psychology continuing education.

This is a second hearing on Clearinghouse Rule 13-103. This Notice of Public Hearing reflects modifications the Psychology Examining Board has made to the proposed rulemaking order since the first hearing which was held on January 15, 2014.

Hearing Date, Time and Location

Date: July 8, 2014
Time: 9:30 a.m.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 455.06 and 455.065, Wis. Stats.

Statutory authority: ss. 15.08(5)(b) and 455.065(1) and (3), Wis. 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.

Specifically, the board shall promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses, and the criteria for the approval of continuing education programs and courses required for the exemptions from the examination requirements under s. 455.04(1)(e) and (4)(f).

Related statute or rule:**Plain language analysis:**

The rule reorganizes and clarifies the continuing education requirements for psychologists.

SECTION 1 inserts the words “continuing education” into the title in order to provide an easy reference for licensees.

SECTION 2 creates a definition section.

SECTION 3 repeals the current continuing education requirements in order to reorganize and create clarity.

SECTION 4 This section is created to include the general continuing education requirements.

SECTION 5 moves the current Psy 4.03 section to the end of the chapter. In addition, the section is amended to specify the number of continuing education hours which must be completed to renew a license which expired less than five years before the application for renewal.

SECTION 6 creates three new sections. The first section specifies approved continuing education. A psychologist may obtain continuing education as follows: completing courses from an organization approved by the American Psychological Association, National Association of School Psychologists or Canadian Psychological Association, courses sponsored by Wisconsin Psychological Association or Wisconsin School Psychologists Association, category I courses approved by the American Medical Association or the American Osteopathic Association, or courses approved in another state in which the licensee holder also holds a license or graduate level courses from an accredited college or university; teaching and presenting programs or courses; serving on a professional board or committee; authorship of a book, book chapter or article in peer reviewed journal; completing board certification; completion of a master’s or doctoral degree in psychopharmacology; providing supervision to trainees; and evaluation of community outpatient mental health programs. The second section provides postponement, waiver and exemptions to the continuing education requirements based upon hardship or

retirement. The third section specifies records of continuing education must be kept for a minimum period of six years. In addition, the third section revises the current requirement for a mandatory audit of compliance with the continuing education requirements to instead allow a general audit to be conducted in the board's discretion.

SECTION 7 states an effective date of October 1, 2015 which is the start of the next biennium.

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

Comparison with rules in adjacent states:

Illinois: Illinois requires each biennial 24 hours of continuing education and of those 24 hours at least 3 hours must be related to the ethics. Continuing education may be earned by participating in a course or program by an approved continuing education sponsor; completing postgraduate training programs; and for teaching in the field of psychology in an accredited college, university, graduate school or as an instructor of a program by approved sponsors. Postgraduate course and teaching courses have maximums as to the number to be counted towards the required 24 hours. Continuing education records are to be maintained for the previous 8 years. Illinois has provisions for waivers of continuing education for hardship.

Iowa: Iowa requires 40 hours of continuing education each biennium. For the second renewal period, licensees' continuing education must include 6 hours in either Iowa mental health laws and regulations or risk management. For all subsequent renewals, licensees' continuing education must include 6 hours in any of the following: ethics, federal mental health laws, Iowa mental health laws or risk management. Board members may obtain continuing education hours based upon attendance and participation at board meetings. Continuing education may be earned as follows: mandatory reporter training; programs sponsored by the American Psychological Association or Iowa Psychological Association; approved workshops, conferences or symposiums; academic coursework; home study or electronically transmitted courses; scholarly research published in recognized professional publication; and preparing and teaching courses or programs. Iowa does not have provisions on hardship waivers.

Michigan: Michigan does not require continuing education for psychologists.

Minnesota: Minnesota requires 40 hours of continuing education each biennium. Continuing education may be earned as follows: developing and teaching an academic course; attending courses or presentations based on scientific, practice or professional standards foundations; graduate level courses in psychology; developing presentation, or taped or computerized materials based on scientific, practice or professional standards foundations; and authoring, editing or reviewing a psychological publication. Continuing education records must be maintained for 8 years after the renewal date. Variances may be granted for completion of continuing education outside the biennium. The board randomly audits a percentage of renewing licensees each month for compliance with continuing education.

Summary of factual data and analytical methodologies:

The Board considered the Association of State and Provincial Psychology Board’s recommendations for continuing education and the continuing education requirements of other states. In addition, the Board reviewed recent audit results to determine what issues required clarification for the credential holders.

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

This rule was posted for 14 days for economic comments and none were received. The Board determines that the modification of existing rules to clarify continuing education requirements, which does not increase the requirement, does not create an effect on small business nor have an economic impact.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary:

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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon Henes@wisconsin.gov. Comments must be received (at or before the public hearing to be held on July 8, 2014) to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter Psy 4 (title) is amended to read:

REQUIREMENTS FOR RENEWAL AND CONTINUING EDUCATION

SECTION 2. Psy 4.015 is created to read:

Psy 4.015 Definitions. In this chapter:

- (1) “Board” means Wisconsin Psychology Examining Board.
- (1) “Continuing education hour” means a period of continuing education consisting of not less than 50 minutes.
- (2) “Ethics” means content consistent with one or more of the American Psychological Association’s ethical principles of psychologists.
- (3) “Jurisprudence” means content relating to state and federal laws and regulations affecting the practice of psychology.
- (4) “Risk management” means content relating to the reduction of probability of incurring legal, regulatory or malpractice actions in the practice of psychology.
- (5) “Trainee” means a person who is obtaining appropriate experience in psychological work under supervision per s. 455.04(1)(d), Wis. Stats.

SECTION 3. Psy 4.02 is repealed

SECTION 4. Psy 4.025 is created to read:

Psy 4.025 Continuing education. (1) Unless granted a postponement or waiver under s. 4.04 every licensee shall complete at least 40 board approved continuing education hours in each biennial registration period, beginning October 1 of each odd-numbered year.

- (a) A minimum of six hours of the required 40 continuing education hours shall be in ethics, risk management or jurisprudence.
- (b) Continuing education hours completed in the topics of supervision or suicide prevention shall be calculated as 1.5 times the numbers of continuing education hours obtained.
- (2) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.
- (3) During the time between initial licensure and commencement of a full 2-year licensure period, in Wisconsin, initial licensees shall not be required to meet continuing education requirements.
- (4) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application. An applicant who first obtained licensure as a psychologist or private practice school psychologist less than 2 years prior to submitting the Wisconsin application is not required to meet this subsection

SECTION 5. Psy 4.03 is renumbered to Psy 4.06 and amended to read:

Psy 4.06 Renewal of a lapsed license. 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 renewal of the license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of ~~the~~ 40 continuing education hours completed within 2 years prior to renewal.

(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 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 school psychologist under s. 455.04 (4), Stats. The examining board shall require each applicant under this subsection to have completed at least 40 hours of continuing education obtained within 2 years preceding the application for renewal and to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

SECTION 6. Psy 4.035, 4.04 and 4.05 are created to read:

Psy 4.035 Approved continuing education. (1) The board shall approve all of the following programs and courses, if relevant to the professional practice of psychology:

(a) Continuing education programs and courses sponsored by an organization approved by one of the following:

1. American Psychological Association.
2. National Association of School Psychologists.
3. Canadian Psychological Association.

(b) Continuing education programs and courses sponsored by one of the following:

1. Wisconsin Psychological Association.
2. Wisconsin School Psychologists Association.

(c) 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.

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

(e) Graduate level courses of two semester or three quarter credits, or more, relevant to the professional practice of psychology offered by an accredited college or university in which a person receives a passing grade shall be granted 20 continuing education hours.

(f) No more than eight hours of continuing education hours may be credited per day for courses and programs in par. (a) through (d).

(2) Continuing education hours shall be granted for teaching or presenting any of the programs or courses in sub. (1) but no credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter shall receive 2 continuing education hours for each hour of presentation with a maximum of 20 continuing education hours.

(3) A licensee shall be granted 6 hours of continuing education for each professional activity, with a maximum of 12 continuing education hours. Continuing education hours shall be granted for professional activities as follows:

- (a) Serving on the American Psychological Association or its affiliated state psychological association committee or board.
- (b) Serving on a state Psychology Examining Board.
- (c) Serving on the National Association of School Psychologists or its affiliated state association committee or board.
- (d) Serving on the American Board of Professional Psychology committee or board.
- (e) Serving on the Association of Psychology Postdoctoral Internship Centers committee or board.
- (f) Serving on the Association of State and Provincial Psychology Boards committee or board.
- (g) Serving as a reviewer for a peer reviewed publication.
- (4) Continuing education hours shall be granted for first or second authorship of a publication relevant to psychology if the publication is contained in an academic or professional book or book chapter or peer-reviewed journal article. A licensee shall receive 10 continuing education hours per authorship, with a maximum of 20 continuing education hours.
- (5) Continuing education hours shall be granted for earning board certification by the American Board of Professional Psychology. A licensee who successfully completes board certification shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the board certification process included at least six hours on those topics.
- (6) Continuing education hours shall be granted for completion of a master's or doctoral degree in psychopharmacology from an accredited college or university. Licensees who complete a master's or doctoral degree in psychopharmacology shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the coursework included those topics.
- (7) Continuing education hours shall be granted for providing supervision to one or more psychological trainees. Continuing education hours for providing supervision shall be calculated as .25 times the number of hours of supervision with a maximum of 20 continuing education hours.
- (8) (a) Continuing education hours shall be granted for the evaluation of a community mental health program, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours in training required by the department of health services, are equal to one continuing education hour for the purposes of this section.
- (b) A licensee wishing to apply for continuing education credit under this subsection shall 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 biennium for which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order applicants are received.

Psy 4.04 Postponement, Waiver and Exemptions (1) A licensee may apply to the board for a postponement or waiver of the requirements of this chapter on 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 as deemed appropriate.

(2) The board may grant an exemption from the requirements of this section 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.

(3) A licensee who has been granted an exemption from the requirements of this chapter based on retirement from the practice of psychology or the private practice of school psychology may not return to active practice without submitting evidence satisfactory to the board of having completed 40 credits of continuing education hours obtained within 2 years prior to the return to the practice of psychology.

Psy 4.05 Record Keeping and Audits (1) A licensee shall retain for a minimum period of 6 years and shall make available to the board or its agent upon request the following proof of continuing education:

(a) Certificate of attendance issued by the program sponsor. The certificate shall include the name of the licensee, date of attendance, sponsor name, hours and title of course.

(b) Unofficial transcript for graduate level courses or psychopharmacology degree.

(c) Documentation of publication.

(d) Verification from the organization, on organization letterhead, documenting professional activities including the dates of service.

(e) Documentation of board certification from the American Board of Professional Psychology.

(f) 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.

(g) Attestation form, provided by the department of safety and professional services, documenting supervision including the dates of supervision and total number of hours per day.

(2) The board may conduct a random audit of licensees on a biennial basis for compliance with continuing education requirements. The board may conduct an audit on any licensee who has come under investigation by the board for alleged misconduct.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on October 1, 2015.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Sharon.Henes@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.