

CR 94-222

**CERTIFICATE**

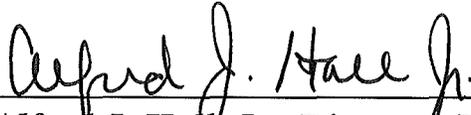
**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Alfred J. Hall, Jr., Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Psychology Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Psychology Examining Board on the 12th day of July, 1995.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

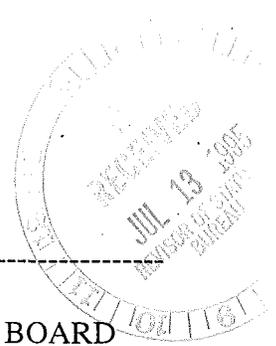
**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 12th day of July, 1995.**

  
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**Alfred J. Hall, Jr., Director, Bureau of Health Service Professions, Department of Regulation and Licensing**



9-1-95

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD



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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD  
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 94-222)  
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ORDER

An order of the Psychology Examining Board to repeal and recreate Psy 5.01 (14); and to create 5.01 (14m) relating to sexual misconduct.

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) and 455.08, Stats.

Statutes interpreted: s. 455.08, Stats.

In this proposed rule-making order the Psychology Examining Board amends its rules consistent with Standard 4.07 of the ethical standards for psychologists of the American Psychological Association to define as unprofessional conduct licensees engaging in sexual contact, sexual conduct or seductive behavior with a client or one who has been a client within the previous two years. It also prohibits such conduct or behavior with one who has been a client more than two years previous unless it can be demonstrated that such conduct or behavior is not exploitative of the former client.

The proposed rule-making order sets forth factors to be considered in making such a demonstration, including the length of time since professional services were provided, the nature and duration of the services, the circumstances of termination, the client's personal history, the client's mental status at the time the conduct took place, the likelihood of adverse impact on the former client or others, and the existence of any statements or actions by the licensee at the time services were provided suggesting or inviting possible future sexual or romantic contact. Additionally, the proposed rule-making would define as unprofessional conduct accepting as a client a person with whom the licensee has previously engaged in sexual contact or conduct.

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TEXT OF RULE

SECTION 1. Psy 5.01 (14) is repealed and recreated to read:

Psy 5.01 (14) Engaging in sexual contact, sexual conduct, or any other behavior which could reasonably be construed as seductive, with:

(a) A client.

(b) A former client within 2 years of termination of professional services.

(c) A former client beyond 2 years of termination of professional services, unless the licensee can demonstrate that there has been no exploitation of the former client, in light of all relevant factors, including:

1. The length of time which had passed between the termination of professional services and the conduct.

2. The nature and duration of the professional services.

3. The circumstances of termination.

4. The client's personal history.

5. The client's mental status at the time the conduct took place.

6. The likelihood of adverse impact on the client or others.

7. Statements or actions made by the licensee during the course of professional services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

SECTION 2. Psy 5.01 (14m) is created to read:

Psy 5.01 (14m) Accepting as a client a person with whom the licensee has engaged in sexual contact or sexual conduct.

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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

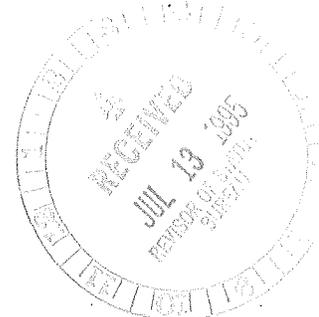
July 12, 1995

Agency

[Signature]

Chairperson

Psychology Examining Board



**CORRESPONDENCE/MEMORANDUM**

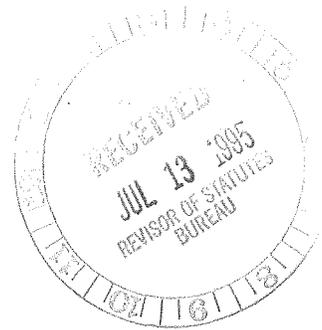
**STATE OF WISCONSIN**

**DATE:** July 13, 1995

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Rules Center Coordinator  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Rule-Making Order



**Agency: PSYCHOLOGY EXAMINING BOARD**

**Clearinghouse Rule: 94-222**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.