



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4232/1
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2021 ASSEMBLY BILL 537

September 10, 2021 - Introduced by Representatives TITTL, CABRAL-GUEVARA, CABRERA, MILROY, MURPHY, MURSAU, PETRYK, ROZAR, SKOWRONSKI, TAUCHEN, TUSLER, VANDERMEER and KNODL, cosponsored by Senators JACQUE, BERNIER, DARLING and FELZKOWSKI. Referred to Committee on Health.

1 **AN ACT to repeal** 971.16 (1); **to renumber and amend** 455.03; **to amend** 16.417
2 (1) (e) 4., 48.375 (2) (c), 48.375 (4) (b) 1m., 49.45 (30f), 49.45 (30j) (a) 1., 50.06
3 (4), 51.03 (6) (a), 51.15 (2) (c), 146.34 (1) (i), 146.81 (1) (h), 146.997 (1) (d) 10.,
4 155.01 (1g) (a), 155.01 (7), 165.77 (1) (a), 244.09 (3) (a), 252.14 (1) (ar) 6., 440.03
5 (13) (b) (intro.), 440.03 (13) (c), 440.15, 446.01 (1v) (L), 450.10 (3) (a) 9., chapter
6 455 (title), 455.01 (intro.), 455.02 (2m) (intro.), 455.02 (2m) (f), 455.02 (2m) (p),
7 455.03 (title), 455.06 (1) (a) and (2), 455.09 (1) (intro.), 455.09 (1) (c), 455.09 (1)
8 (d), 455.09 (1) (g), 455.09 (3), 455.11, 457.02 (3), 632.89 (1) (e) 3., 905.04 (1) (e),
9 939.615 (6) (e) and 971.17 (7) (c); **to repeal and recreate** 302.384 (1m); and **to**
10 **create** 14.89, 440.03 (11m) (c) 2s., subchapter I (title) of chapter 455 [precedes
11 455.01], 455.01 (1), 455.01 (2m), 455.01 (3r), 455.01 (9), 455.03 (2), 455.03 (3),
12 subchapter II of chapter 455 [precedes 455.50], 455.51 and 990.01 (31m) of the

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1 statutes; **relating to:** ratification of the Psychology Interjurisdictional
2 Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Psychology Interjurisdictional Compact (compact), which provides for the ability of a psychologist to practice more easily in other compact states. Significant provisions of the compact include:

1. The creation of a Psychology Interjurisdictional Compact Commission (commission), which includes one member or representative of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules for the compact, employing officers and employees, and establishing and electing an executive board. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a psychologist to obtain an E.Passport, which allows a psychologist to practice interjurisdictional telepsychology in another compact state if the psychologist satisfies certain criteria. "Telepsychology" is defined as the provision of psychological services using telecommunication technologies. The compact specifies that a home state, defined as the state where the psychologist is physically located, maintains authority over the license of any psychologist practicing into a receiving state, defined as the compact state where the client or patient is physically located, under the authority to practice interjurisdictional telepsychology. A psychologist practicing into a receiving state under an E.Passport is subject to the receiving state's scope of practice. The compact further provides that a psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority and under circumstances specified in the compact. A receiving state may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions to protect the health and safety of the receiving state's citizens. If a psychologist's license or authority to practice interjurisdictional telepsychology is restricted, suspended, or otherwise limited, the psychologist's E.Passport is revoked and the psychologist may not practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

3. The ability for a psychologist to obtain an interjurisdictional practice certificate (IPC), which grants temporary authorization for the psychologist to provide temporary in-person, face-to-face psychological services in another compact state for up to 30 days within a calendar year if the psychologist satisfies certain criteria. A psychologist practicing into a distant state, defined as the state where the psychologist is physically present to provide temporary in-person,

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face-to-face psychological services, under the temporary authorization to practice is subject to the distant state's scope of practice. A psychologist practicing into a distant state under the temporary authorization to practice is subject to the distant state's authority and law. A distant state may limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions to protect the health and safety of the receiving state's citizens. If a psychologist's license or temporary authorization to practice is restricted, suspended, or otherwise limited, the psychologist's IPC is revoked and the psychologist may not practice under the temporary authorization to practice.

4. The ability of member states to issue subpoenas that are enforceable in other states.

5. The creation of a coordinated database and reporting system containing licensure and disciplinary action information on psychologists to whom the compact is applicable. The compact requires all home state disciplinary orders that impose adverse actions to be reported to the commission. A member state must submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission.

6. Provisions regarding resolutions of disputes between the commission and member states and between member and nonmember states, including a process for termination of a state's membership in the compact if the state defaults on its obligations under the compact.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.89 of the statutes is created to read:

2 **14.89 Psychology interjurisdictional compact.** There is created a
3 psychology interjurisdictional compact commission as specified in s. 455.50. The
4 representative on the commission representing this state shall be appointed by the
5 psychology examining board as provided in s. 455.50 (10) (b) 1. and shall be an

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1 individual described in s. 455.50 (10) (b) 1. a., b., or c. The commission has the powers
2 and duties granted and imposed under s. 455.50.

3 **SECTION 2.** 16.417 (1) (e) 4. of the statutes is amended to read:

4 16.417 (1) (e) 4. A psychologist who is licensed to practice psychology under
5 subch. I of ch. 455.

6 **SECTION 3.** 48.375 (2) (c) of the statutes, as affected by 2021 Wisconsin Act 22,
7 is amended to read:

8 48.375 (2) (c) "Counselor" means a physician including a physician specializing
9 in psychiatry, a psychologist licensed under ~~s. 455.04 (1) or (2)~~, or an ordained
10 member of the clergy. "Counselor" does not include any person who is employed by
11 or otherwise affiliated with a reproductive health care facility, a family planning
12 clinic, or a family planning agency; any person affiliated with the performance of
13 abortions, except abortions performed to save the life of the mother; or any person
14 who may profit from giving advice to seek an abortion.

15 **SECTION 4.** 48.375 (4) (b) 1m. of the statutes, as affected by 2021 Wisconsin Act
16 22, is amended to read:

17 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a psychologist
18 ~~licensed under s. 455.04 (1) or (2)~~ states in writing that the physician or psychologist
19 believes, to the best of his or her professional judgment based on the facts of the case
20 before him or her, that the minor is likely to commit suicide rather than file a petition
21 under s. 48.257 or approach her parent, or guardian or legal custodian, if one has
22 been appointed, or an adult family member of the minor, or one of the minor's foster
23 parents, if the minor has been placed in a foster home and the minor's parent has
24 signed a waiver granting the department, a county department, or the foster parent

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1 the authority to consent to medical services or treatment on behalf of the minor, for
2 consent.

3 **SECTION 5.** 49.45 (30f) of the statutes, as affected by 2021 Wisconsin Act 22, is
4 amended to read:

5 49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
6 department shall include licensed mental health professionals, as defined in s.
7 632.89 (1) (dm), and psychologists licensed under s. 455.04 (1) or (2) as providers of
8 psychotherapy and of alcohol and other drug abuse services. Except for services
9 provided under sub. (30e), the department may not require that licensed mental
10 health professionals or licensed psychologists be supervised; may not require that
11 clinical psychotherapy or alcohol and other drug abuse services be provided under
12 a certified program; and, notwithstanding subs. (9) and (9m), may not require that
13 a physician or other health care provider first prescribe psychotherapy or alcohol and
14 other drug abuse services to be provided by a licensed mental health professional or
15 licensed psychologist before the professional or psychologist may provide the
16 services to the recipient. This subsection does not affect the department's powers
17 under ch. 50 or 51 to establish requirements for facilities that are licensed, certified,
18 or operated by the department.

19 **SECTION 6.** 49.45 (30j) (a) 1. of the statutes is amended to read:

20 49.45 (30j) (a) 1. "Competent mental health professional" means a physician
21 who has completed a residence in psychiatry; a psychologist or; a private practice
22 school psychologist licensed under ch. 455; a marriage and family therapist licensed
23 under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13;
24 an advanced practice social worker granted a certificate under s. 457.08 (2); an
25 independent social worker granted a certificate under s. 457.08 (3); a clinical social

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1 worker licensed under s. 457.08 (4); a clinical substance abuse counselor or
2 independent clinical supervisor certified under s. 440.88, or any of these individuals
3 practicing under a currently valid training or temporary license or certificate
4 granted under applicable provisions of ch. 457. “Competent mental health
5 professional” does not include an individual whose license or certificate is suspended,
6 revoked, or voluntarily surrendered, or whose license or certificate is limited or
7 restricted, when practicing in areas prohibited by the limitation or restriction.

8 **SECTION 7.** 50.06 (4) of the statutes, as affected by 2021 Wisconsin Act 22, is
9 amended to read:

10 50.06 (4) A determination that an individual is incapacitated for purposes of
11 sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician
12 and one psychologist licensed under s. 455.04 (1) or (2), who personally examine the
13 individual and sign a statement specifying that the individual is incapacitated. Mere
14 old age, eccentricity, or physical disability, either singly or together, are insufficient
15 to make a finding that an individual is incapacitated. Neither of the individuals who
16 make a finding that an individual is incapacitated may be a relative, as defined in
17 s. 242.01 (11), of the individual or have knowledge that he or she is entitled to or has
18 a claim on any portion of the individual’s estate. A copy of the statement shall be
19 included in the individual’s records in the facility to which he or she is admitted.

20 **SECTION 8.** 51.03 (6) (a) of the statutes is amended to read:

21 51.03 (6) (a) In this subsection, “licensed treatment professional” means a
22 physician who has completed a residence in psychiatry; a psychologist or; a private
23 practice school psychologist licensed under ch. 455; a marriage and family therapist
24 licensed under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12
25 or 457.13; an advanced practice social worker granted a certificate under s. 457.08

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1 (2); an independent social worker licensed under s. 457.08 (3); a clinical social worker
2 licensed under s. 457.08 (4); or any of these individuals practicing under a currently
3 valid training or temporary license or certificate granted under applicable provisions
4 of ch. 457. "Licensed treatment professional" does not include an individual whose
5 license or certificate is suspended, revoked, or voluntarily surrendered, or whose
6 license or certificate is limited or restricted, when practicing in areas prohibited by
7 the limitation or restriction.

8 **SECTION 9.** 51.15 (2) (c) of the statutes is amended to read:

9 51.15 (2) (c) The county department may approve the detention only if a
10 physician who has completed a residency in psychiatry, a psychologist licensed under
11 ~~ch. 455~~, or a mental health professional, as determined by the department, has
12 performed a crisis assessment on the individual and agrees with the need for
13 detention and the county department reasonably believes the individual will not
14 voluntarily consent to evaluation, diagnosis, and treatment necessary to stabilize
15 the individual and remove the substantial probability of physical harm, impairment,
16 or injury to himself, herself, or others. For purposes of this paragraph, a crisis
17 assessment may be conducted in person, by telephone, or by telemedicine or video
18 conferencing technology.

19 **SECTION 10.** 146.34 (1) (i) of the statutes is amended to read:

20 146.34 (1) (i) "Psychologist" means a person who is licensed to practice
21 psychology under ch. 455, who is exercising the temporary authorization to practice,
22 as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority
23 to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

24 **SECTION 11.** 146.81 (1) (h) of the statutes is amended to read:

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1 146.81 (1) (h) A psychologist who is licensed under ch. 455, who is exercising
2 the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state,
3 or who is practicing under the authority to practice interjurisdictional
4 telepsychology, as defined in s. 455.50 (2) (b).

5 **SECTION 12.** 146.997 (1) (d) 10. of the statutes is amended to read:

6 146.997 (1) (d) 10. A psychologist who is licensed under ch. 455, who is
7 exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in
8 this state, or who is practicing under the authority to practice interjurisdictional
9 telepsychology, as defined in s. 455.50 (2) (b).

10 **SECTION 13.** 155.01 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act
11 22, is amended to read:

12 155.01 (1g) (a) A psychologist licensed under s. 455.04 (1) or (2).

13 **SECTION 14.** 155.01 (7) of the statutes is amended to read:

14 155.01 (7) “Health care provider” means a nurse licensed or permitted under
15 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
16 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
17 therapist assistant, occupational therapist, or occupational therapy assistant
18 licensed under ch. 448, a person practicing Christian Science treatment, an
19 optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who
20 is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o),
21 in this state, or who is practicing under the authority to practice interjurisdictional
22 telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical
23 therapist assistant who holds a compact privilege under subch. IX of ch. 448, a
24 partnership thereof, a corporation or limited liability company thereof that provides
25 health care services, a cooperative health care association organized under s.

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1 185.981 that directly provides services through salaried employees in its own facility,
2 or a home health agency, as defined in s. 50.49 (1) (a).

3 **SECTION 15.** 165.77 (1) (a) of the statutes is amended to read:

4 165.77 (1) (a) “Health care professional” means a person licensed, certified, or
5 registered under ch. 441, 448, or 455 or a person who is exercising the temporary
6 authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is
7 practicing under the authority to practice interjurisdictional telepsychology, as
8 defined in s. 455.50 (2) (b).

9 **SECTION 16.** 244.09 (3) (a) of the statutes is amended to read:

10 244.09 (3) (a) A physician licensed under ch. 448 or a psychologist who is
11 licensed under ch. 455, who is exercising the temporary authorization to practice, as
12 defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to
13 practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), that the
14 principal is incapacitated within the meaning of s. 244.02 (7) (a).

15 **SECTION 17.** 252.14 (1) (ar) 6. of the statutes is amended to read:

16 252.14 (1) (ar) 6. A psychologist who is licensed under ch. 455, who is exercising
17 the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state,
18 or who is practicing under the authority to practice interjurisdictional
19 telepsychology, as defined in s. 455.50 (2) (b).

20 **SECTION 18.** 302.384 (1m) of the statutes is repealed and recreated to read:

21 302.384 (1m) In this section, “health care professional” means a person
22 licensed, certified, or registered under ch. 441, 448, or 455; a person who holds a
23 compact privilege under subch. X of ch. 448; or a psychologist who is exercising the
24 temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state or who

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1 is practicing under the authority to practice interjurisdictional telepsychology, as
2 defined in s. 455.50 (2) (b).

3 **SECTION 19.** 440.03 (11m) (c) 2s. of the statutes is created to read:

4 440.03 **(11m)** (c) 2s. The coordinated licensure information system under s.
5 455.50 (9), if such disclosure is required under the psychology interjurisdictional
6 compact under s. 455.50.

7 **SECTION 20.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

8 440.03 **(13)** (b) (intro.) The department may investigate whether an applicant
9 for or holder of any of the following credentials has been charged with or convicted
10 of a crime only pursuant to rules promulgated by the department under this
11 paragraph, including rules that establish the criteria that the department will use
12 to determine whether an investigation under this paragraph is necessary, except as
13 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., and 448.985 (3) (a) 4.,
14 and 455.50 (3) (e) 4. and (f) 4.:

15 **SECTION 21.** 440.03 (13) (c) of the statutes is amended to read:

16 440.03 **(13)** (c) The department shall require an applicant for a private
17 detective license or a private security permit under s. 440.26, an applicant for a
18 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
19 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
20 multistate license under s. 441.06 (1c) or 441.10 (1c), an applicant for a compact
21 license under s. 448.05 (2) (f), an applicant for a physical therapist license under s.
22 448.53 or physical therapist assistant license under s. 448.535, an applicant for a
23 psychologist license under s. 455.04, and a person for whom the department conducts
24 an investigation under par. (b), to be photographed and fingerprinted on 2
25 fingerprint cards, each bearing a complete set of the person's fingerprints. The

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1 department of justice may submit the fingerprint cards, and the department of
2 justice shall submit the fingerprint cards of all applicants for a real estate appraiser
3 certification under s. 458.06 or license under s. 458.08, of all applicants for a
4 multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact
5 license under s. 448.05 (2) (f), and of all applicants for a physical therapist license
6 under s. 448.53 or a physical therapist assistant license under s. 448.535, and of all
7 applicants for a psychologist license under s. 455.04, to the federal bureau of
8 investigation for the purpose of verifying the identity of the persons fingerprinted
9 and obtaining records of their criminal arrests and convictions. Information
10 obtained from the federal bureau of investigation may be shared with the
11 department or the appropriate credentialing board, but shall otherwise be kept
12 confidential and is not subject to disclosure under s. 19.35.

13 **SECTION 22.** 440.15 of the statutes, as affected by 2021 Wisconsin Act 25, is
14 amended to read:

15 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
16 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 450.071 (3) (c) 9., and 450.075
17 (3) (c) 9., and 455.50 (3) (e) 4. and (f) 4., the department or a credentialing board may
18 not require that an applicant for a credential or a credential holder be fingerprinted
19 or submit fingerprints in connection with the department's or the credentialing
20 board's credentialing.

21 **SECTION 23.** 446.01 (1v) (L) of the statutes is amended to read:

22 446.01 (1v) (L) Psychology examining board under ch. 455. "Health care
23 professional" also includes an individual who is exercising the temporary
24 authorization to practice, as defined in s. 455.50 (2) (o), in this state or practicing

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1 under the authority to practice interjurisdictional telepsychology, as defined in s.
2 455.50 (2) (b).

3 **SECTION 24.** 450.10 (3) (a) 9. of the statutes is amended to read:

4 450.10 (3) (a) 9. A psychologist who is licensed under ch. 455, who is exercising
5 the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state,
6 or who is practicing under the authority to practice interjurisdictional
7 telepsychology, as defined in s. 455.50 (2) (b).

8 **SECTION 25.** Chapter 455 (title) of the statutes is amended to read:

9 **CHAPTER 455**

10 **PSYCHOLOGY EXAMINING BOARD**

11 **SECTION 26.** Subchapter I (title) of chapter 455 [precedes 455.01] of the statutes
12 is created to read:

13 **CHAPTER 455**

14 **SUBCHAPTER I**

15 **REGULATION OF PSYCHOLOGY**

16 **SECTION 27.** 455.01 (intro.) of the statutes is amended to read:

17 **455.01 Definitions.** (intro.) In this chapter subchapter:

18 **SECTION 28.** 455.01 (1) of the statutes is created to read:

19 455.01 (1) “Authority to practice interjurisdictional telepsychology” has the
20 meaning given in s. 455.50 (2) (b).

21 **SECTION 29.** 455.01 (2m) of the statutes is created to read:

22 455.01 (2m) “E.Passport” has the meaning given in s. 455.50 (2) (g).

23 **SECTION 30.** 455.01 (3r) of the statutes is created to read:

24 455.01 (3r) “Interjurisdictional practice certificate” has the meaning given in
25 s. 455.50 (2) (im).

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1 **SECTION 31.** 455.01 (9) of the statutes is created to read:

2 455.01 (9) “Temporary authorization to practice” has the meaning given in s.
3 455.50 (2) (o).

4 **SECTION 32.** 455.02 (2m) (intro.) of the statutes is amended to read:

5 455.02 (2m) EXCEPTIONS. (intro.) A license under this ~~chapter~~ subchapter is
6 not required for any of the following:

7 **SECTION 33.** 455.02 (2m) (f) of the statutes, as affected by 2021 Wisconsin Act
8 22, is amended to read:

9 455.02 (2m) (f) A person providing psychological services as part of a
10 psychology training program, if his or her activities and services constitute a part of
11 the supervised course of study and are performed under the supervision of a
12 psychologist licensed under this ~~chapter~~ subchapter and the person does not provide
13 or offer to provide psychological services to the public for a fee over and above the
14 salary that he or she may receive for the performance of the official duties with the
15 employing agency or organization. A person providing services under this paragraph
16 may use the title “psychology student,” “psychology intern,” or “psychology resident.”

17 **SECTION 34.** 455.02 (2m) (p) of the statutes, as created by 2021 Wisconsin Act
18 22, is amended to read:

19 455.02 (2m) (p) A person providing psychological services under the
20 supervision of a psychologist licensed under this ~~chapter~~ subchapter as part of a
21 formal psychology fellowship program that meets the program standards of an
22 organization as determined by the examining board. A person providing services
23 under this paragraph may use the title “psychology fellow.”

24 **SECTION 35.** 455.03 (title) of the statutes is amended to read:

25 **455.03 (title) Temporary practice; telepsychology.**

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1 **SECTION 36.** 455.03 of the statutes, as affected by 2021 Wisconsin Act 22, is
2 renumbered 455.03 (1) (b) and amended to read:

3 455.03 (1) (b) A psychologist who is licensed or certified by a similar examining
4 board of another state or territory of the United States or of a foreign country or
5 province whose standards, in the opinion of the examining board, are equivalent to
6 or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may
7 provide psychological services in this state on not more than 60 days in any year
8 without holding a license issued under s. 455.04 (1). The psychologist shall report
9 to the examining board the nature and extent of his or her practice in this state if it
10 exceeds 20 days within a year.

11 (a) In this ~~section~~ subsection, “day” means any part of a day during which
12 psychological services are rendered.

13 **SECTION 37.** 455.03 (2) of the statutes is created to read:

14 455.03 (2) An individual who holds a valid interjurisdictional practice
15 certificate may exercise the temporary authorization to practice in this state, subject
16 to s. 455.50 (5).

17 **SECTION 38.** 455.03 (3) of the statutes is created to read:

18 455.03 (3) An individual who holds a valid E.Passport may practice under the
19 authority to practice interjurisdictional telepsychology, subject to s. 455.50 (4) and
20 (6).

21 **SECTION 39.** 455.06 (1) (a) and (2) of the statutes, as affected by 2021 Wisconsin
22 Act 22, are amended to read:

23 455.06 (1) (a) Except as provided in par. (b), the renewal dates for licenses
24 issued under this ~~chapter~~ subchapter or under s. 455.04 (4), 2019 stats., are specified

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1 under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the
2 department under s. 440.03 (9) (a).

3 **(2)** An applicant for renewal of a license issued under this ~~chapter~~ subchapter
4 or under s. 455.04 (4), 2019 stats., shall include with his or her application proof in
5 the form specified by the examining board that he or she has completed the hours of
6 continuing education required under s. 455.065.

7 **SECTION 40.** 455.09 (1) (intro.) of the statutes is amended to read:

8 455.09 **(1)** (intro.) Subject to the rules promulgated under s. 440.03 (1), the
9 examining board may deny an application for a license, or may by order suspend for
10 a period not exceeding one year, limit, revoke or impose probationary conditions upon
11 a license, E.Passport, or interjurisdictional practice certificate or reprimand a
12 licensee or a holder of an E.Passport or interjurisdictional practice certificate if the
13 applicant ~~or~~ licensee, or holder does any of the following:

14 **SECTION 41.** 455.09 (1) (c) of the statutes is amended to read:

15 455.09 **(1)** (c) Impersonates another person holding a license under this ~~chapter~~
16 subchapter or allows another person to use his or her license, E.Passport, or
17 interjurisdictional practice certificate.

18 **SECTION 42.** 455.09 (1) (d) of the statutes is amended to read:

19 455.09 **(1)** (d) Uses fraud or deception in applying for a license under this
20 ~~chapter~~ subchapter, an E.Passport, or an interjurisdictional practice certificate.

21 **SECTION 43.** 455.09 (1) (g) of the statutes is amended to read:

22 455.09 **(1)** (g) Violates this ~~chapter~~ subchapter or any rule of professional
23 conduct promulgated under this ~~chapter~~ subchapter.

24 **SECTION 44.** 455.09 (3) of the statutes, as affected by 2021 Wisconsin Act 22,
25 is amended to read:

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1 days within a calendar year in the performance of their psychological practice as
2 assigned by an appropriate authority;

3 Whereas, this compact is intended to authorize state psychology regulatory
4 authorities to afford legal recognition, in a manner consistent with the terms of the
5 compact, to psychologists licensed in another state;

6 Whereas, this compact recognizes that states have a vested interest in
7 protecting the public's health and safety through their licensing and regulation of
8 psychologists and that such state regulation will best protect public health and
9 safety;

10 Whereas, this compact does not apply when a psychologist is licensed in both
11 the home and receiving states; and

12 Whereas, this compact does not apply to permanent in-person, face-to-face
13 practice, it does allow for authorization of temporary psychological practice.

14 Consistent with these principles, this compact is designed to achieve the
15 following purposes and objectives:

16 (a) Increase public access to professional psychological services by allowing for
17 telepsychological practice across state lines as well as temporary in-person,
18 face-to-face services into a state which the psychologist is not licensed to practice
19 psychology;

20 (b) Enhance the states' ability to protect the public's health and safety,
21 especially client/patient safety;

22 (c) Encourage the cooperation of compact states in the areas of psychology
23 licensure and regulation;

24 (d) Facilitate the exchange of information between compact states regarding
25 psychologist licensure, adverse actions and disciplinary history;

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1 (e) Promote compliance with the laws governing psychological practice in each
2 compact state; and

3 (f) Invest all compact states with the authority to hold licensed psychologists
4 accountable through the mutual recognition of compact state licenses.

5 **(2) ARTICLE II — DEFINITIONS.** (a) “Adverse action” means: Any action taken
6 by a state psychology regulatory authority which finds a violation of a statute or
7 regulation that is identified by the state psychology regulatory authority as
8 discipline and is a matter of public record.

9 (am) “Association of State and Provincial Psychology Boards (ASPPB)” means:
10 the recognized membership organization composed of state and provincial
11 psychology regulatory authorities responsible for the licensure and registration of
12 psychologists throughout the United States and Canada.

13 (b) “Authority to practice interjurisdictional telepsychology” means: a licensed
14 psychologist’s authority to practice telepsychology, within the limits authorized
15 under this compact, in another compact state.

16 (bm) “Bylaws” means: those bylaws established by the Psychology
17 Interjurisdictional Compact Commission pursuant to sub. (10) for its governance, or
18 for directing and controlling its actions and conduct.

19 (c) “Client/patient” means: the recipient of psychological services, whether
20 psychological services are delivered in the context of healthcare, corporate,
21 supervision, and/or consulting services.

22 (cm) “Commissioner” means: the voting representative appointed by each state
23 psychology regulatory authority pursuant to sub. (10).

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1 (d) “Compact state” means: a state, the District of Columbia, or United States
2 territory that has enacted this compact legislation and which has not withdrawn
3 pursuant to sub. (13) (c) or been terminated pursuant to sub. (12) (b).

4 (dm) “Coordinated licensure information system” also referred to as
5 “coordinated database” means: an integrated process for collecting, storing, and
6 sharing information on psychologists’ licensure and enforcement activities related
7 to psychology licensure laws, which is administered by the recognized membership
8 organization composed of state and provincial psychology regulatory authorities.

9 (e) “Confidentiality” means: the principle that data or information is not made
10 available or disclosed to unauthorized persons and/or processes.

11 (em) “Day” means: any part of a day in which psychological work is performed.

12 (f) “Distant state” means: the compact state where a psychologist is physically
13 present (not through the use of telecommunications technologies), to provide
14 temporary in-person, face-to-face psychological services.

15 (g) “E.Passport” means: a certificate issued by the Association of State and
16 Provincial Psychology Boards (ASPPB) that promotes the standardization in the
17 criteria of interjurisdictional telepsychology practice and facilitates the process for
18 licensed psychologists to provide telepsychological services across state lines.

19 (gm) “Executive board” means: a group of directors elected or appointed to act
20 on behalf of, and within the powers granted to them by, the commission.

21 (h) “Home state” means: a compact state where a psychologist is licensed to
22 practice psychology. If the psychologist is licensed in more than one compact state
23 and is practicing under the authorization to practice interjurisdictional
24 telepsychology, the home state is the compact state where the psychologist is
25 physically present when the telepsychological services are delivered. If the

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1 psychologist is licensed in more than one compact state and is practicing under the
2 temporary authorization to practice, the home state is any compact state where the
3 psychologist is licensed.

4 (hm) "Identity history summary" means: a summary of information retained
5 by the FBI, or other designee with similar authority, in connection with arrests and,
6 in some instances, federal employment, naturalization, or military service.

7 (i) "In-person, face-to-face" means: interactions in which the psychologist and
8 the client/patient are in the same physical space and which does not include
9 interactions that may occur through the use of telecommunication technologies.

10 (im) "Interjurisdictional practice certificate (IPC)" means: a certificate issued
11 by the Association of State and Provincial Psychology Boards (ASPPB) that grants
12 temporary authority to practice based on notification to the state psychology
13 regulatory authority of intention to practice temporarily, and verification of one's
14 qualifications for such practice.

15 (j) "License" means: authorization by a state psychology regulatory authority
16 to engage in the independent practice of psychology, which would be unlawful
17 without the authorization.

18 (jm) "Non-compact state" means: any state which is not at the time a compact
19 state.

20 (k) "Psychologist" means: an individual licensed for the independent practice
21 of psychology.

22 (km) "Psychology interjurisdictional compact commission" also referred to as
23 "commission" means: the national administration of which all compact states are
24 members.

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1 (L) "Receiving state" means: a compact state where the client/patient is
2 physically located when the telepsychological services are delivered.

3 (Lm) "Rule" means: a written statement by the Psychology Interjurisdictional
4 Compact Commission promulgated pursuant to sub. (11) that is of general
5 applicability, implements, interprets, or prescribes a policy or provision of the
6 compact, or an organizational, procedural, or practice requirement of the
7 commission and has the force and effect of statutory law in a compact state, and
8 includes the amendment, repeal or suspension of an existing rule.

9 (m) "Significant investigatory information" means:

10 1. Investigative information that a state psychology regulatory authority, after
11 a preliminary inquiry that includes notification and an opportunity to respond if
12 required by state law, has reason to believe, if proven true, would indicate more than
13 a violation of state statute or ethics code that would be considered more substantial
14 than minor infraction; or

15 2. Investigative information that indicates that the psychologist represents an
16 immediate threat to public health and safety regardless of whether the psychologist
17 has been notified and/or had an opportunity to respond.

18 (mm) "State" means: a state, commonwealth, territory, or possession of the
19 United States, the District of Columbia.

20 (n) "State psychology regulatory authority" means: the board, office or other
21 agency with the legislative mandate to license and regulate the practice of
22 psychology.

23 (nm) "Telepsychology" means: the provision of psychological services using
24 telecommunication technologies.

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1 (o) “Temporary authorization to practice” means: a licensed psychologist’s
2 authority to conduct temporary in-person, face-to-face practice, within the limits
3 authorized under this compact, in another compact state.

4 (om) “Temporary in-person, face-to-face practice” means: where a
5 psychologist is physically present (not through the use of telecommunications
6 technologies), in the distant state to provide for the practice of psychology for 30 days
7 within a calendar year and based on notification to the distant state.

8 **(3) ARTICLE III — HOME STATE LICENSURE.** (a) The home state shall be a compact
9 state where a psychologist is licensed to practice psychology.

10 (b) A psychologist may hold one or more compact state licenses at a time. If the
11 psychologist is licensed in more than one compact state, the home state is the
12 compact state where the psychologist is physically present when the services are
13 delivered as authorized by the authority to practice interjurisdictional
14 telepsychology under the terms of this compact.

15 (c) Any compact state may require a psychologist not previously licensed in a
16 compact state to obtain and retain a license to be authorized to practice in the
17 compact state under circumstances not authorized by the authority to practice
18 interjurisdictional telepsychology under the terms of this compact.

19 (d) Any compact state may require a psychologist to obtain and retain a license
20 to be authorized to practice in a compact state under circumstances not authorized
21 by temporary authorization to practice under the terms of this compact.

22 (e) A home state’s license authorizes a psychologist to practice in a receiving
23 state under the authority to practice interjurisdictional telepsychology only if the
24 compact state:

- 25 1. Currently requires the psychologist to hold an active E.Passport;

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1 2. Has a mechanism in place for receiving and investigating complaints about
2 licensed individuals;

3 3. Notifies the commission, in compliance with the terms herein, of any adverse
4 action or significant investigatory information regarding a licensed individual;

5 4. Requires an identity history summary of all applicants at initial licensure,
6 including the use of the results of fingerprints or other biometric data checks
7 compliant with the requirements of the federal bureau of investigation (FBI), or
8 other designee with similar authority, no later than ten years after activation of the
9 compact; and

10 5. Complies with the bylaws and rules of the commission.

11 (f) A home state's license grants temporary authorization to practice to a
12 psychologist in a distant state only if the compact state:

13 1. Currently requires the psychologist to hold an active IPC;

14 2. Has a mechanism in place for receiving and investigating complaints about
15 licensed individuals;

16 3. Notifies the commission, in compliance with the terms herein, of any adverse
17 action or significant investigatory information regarding a licensed individual;

18 4. Requires an identity history summary of all applicants at initial licensure,
19 including the use of the results of fingerprints or other biometric data checks
20 compliant with the requirements of the federal bureau of investigation (FBI), or
21 other designee with similar authority, no later than ten years after activation of the
22 compact; and

23 5. Complies with the bylaws and rules of the commission.

24 **(4) ARTICLE IV — COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.** (a) Compact
25 states shall recognize the right of a psychologist, licensed in a compact state in

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1 conformance with sub. (3), to practice telepsychology in other compact states
2 (receiving states) in which the psychologist is not licensed, under the authority to
3 practice interjurisdictional telepsychology as provided in the compact.

4 (b) To exercise the authority to practice interjurisdictional telepsychology
5 under the terms and provisions of this compact, a psychologist licensed to practice
6 in a compact state must:

7 1. Hold a graduate degree in psychology from an institute of higher education
8 that was, at the time the degree was awarded:

9 a. Regionally accredited by an accrediting body recognized by the U.S.
10 Department of Education to grant graduate degrees, OR authorized by provincial
11 statute or royal charter to grant doctoral degrees; OR

12 b. A foreign college or university deemed to be equivalent to subd. 1. a. by a
13 foreign credential evaluation service that is a member of the National Association
14 of Credential Evaluation Services (NACES) or by a recognized foreign credential
15 evaluation service; AND

16 2. Hold a graduate degree in psychology that meets the following criteria:

17 a. The program, wherever it may be administratively housed, must be clearly
18 identified and labeled as a psychology program. Such a program must specify in
19 pertinent institutional catalogues and brochures its intent to educate and train
20 professional psychologists;

21 b. The psychology program must stand as a recognizable, coherent,
22 organizational entity within the institution;

23 c. There must be a clear authority and primary responsibility for the core and
24 specialty areas whether or not the program cuts across administrative lines;

25 d. The program must consist of an integrated, organized sequence of study;

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- 1 e. There must be an identifiable psychology faculty sufficient in size and
2 breadth to carry out its responsibilities;
- 3 f. The designated director of the program must be a psychologist and a member
4 of the core faculty;
- 5 g. The program must have an identifiable body of students who are
6 matriculated in that program for a degree;
- 7 h. The program must include supervised practicum, internship, or field
8 training appropriate to the practice of psychology;
- 9 i. The curriculum shall encompass a minimum of three academic years of
10 full-time graduate study for doctoral degree and a minimum of one academic year
11 of full-time graduate study for master's degree;
- 12 j. The program includes an acceptable residency as defined by the rules of the
13 commission.
- 14 3. Possess a current, full and unrestricted license to practice psychology in a
15 home state which is a compact state;
- 16 4. Have no history of adverse action that violate the rules of the commission;
- 17 5. Have no criminal record history reported on an identity history summary
18 that violates the rules of the commission;
- 19 6. Possess a current, active E.Passport;
- 20 7. Provide attestations in regard to areas of intended practice, conformity with
21 standards of practice, competence in telepsychology technology; criminal
22 background; and knowledge and adherence to legal requirements in the home and
23 receiving states, and provide a release of information to allow for primary source
24 verification in a manner specified by the commission; and
- 25 8. Meet other criteria as defined by the rules of the commission.

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1 (c) The home state maintains authority over the license of any psychologist
2 practicing into a receiving state under the authority to practice interjurisdictional
3 telepsychology.

4 (d) A psychologist practicing into a receiving state under the authority to
5 practice interjurisdictional telepsychology will be subject to the receiving state's
6 scope of practice. A receiving state may, in accordance with that state's due process
7 law, limit or revoke a psychologist's authority to practice interjurisdictional
8 telepsychology in the receiving state and may take any other necessary actions under
9 the receiving state's applicable law to protect the health and safety of the receiving
10 state's citizens. If a receiving state takes action, the state shall promptly notify the
11 home state and the commission.

12 (e) If a psychologist's license in any home state, another compact state, or any
13 authority to practice interjurisdictional telepsychology in any receiving state, is
14 restricted, suspended or otherwise limited, the E.Passport shall be revoked and
15 therefore the psychologist shall not be eligible to practice telepsychology in a compact
16 state under the authority to practice interjurisdictional telepsychology.

17 **(5) ARTICLE V — COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.** (a) Compact
18 states shall also recognize the right of a psychologist, licensed in a compact state in
19 conformance with sub. (3), to practice temporarily in other compact states (distant
20 states) in which the psychologist is not licensed, as provided in the compact.

21 (b) To exercise the temporary authorization to practice under the terms and
22 provisions of this compact, a psychologist licensed to practice in a compact state
23 must:

24 1. Hold a graduate degree in psychology from an institute of higher education
25 that was, at the time the degree was awarded:

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1 a. Regionally accredited by an accrediting body recognized by the U.S.
2 department of education to grant graduate degrees, OR authorized by provincial
3 statute or royal charter to grant doctoral degrees; OR

4 b. A foreign college or university deemed to be equivalent to subd. 1. a. by a
5 foreign credential evaluation service that is a member of the National Association
6 of Credential Evaluation Services (NACES) or by a recognized foreign credential
7 evaluation service; AND

8 2. Hold a graduate degree in psychology that meets the following criteria:

9 a. The program, wherever it may be administratively housed, must be clearly
10 identified and labeled as a psychology program. Such a program must specify in
11 pertinent institutional catalogues and brochures its intent to educate and train
12 professional psychologists;

13 b. The psychology program must stand as a recognizable, coherent,
14 organizational entity within the institution;

15 c. There must be a clear authority and primary responsibility for the core and
16 specialty areas whether or not the program cuts across administrative lines;

17 d. The program must consist of an integrated, organized sequence of study;

18 e. There must be an identifiable psychology faculty sufficient in size and
19 breadth to carry out its responsibilities;

20 f. The designated director of the program must be a psychologist and a member
21 of the core faculty;

22 g. The program must have an identifiable body of students who are
23 matriculated in that program for a degree;

24 h. The program must include supervised practicum, internship, or field
25 training appropriate to the practice of psychology;

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1 i. The curriculum shall encompass a minimum of three academic years of full-
2 time graduate study for doctoral degrees and a minimum of one academic year of
3 full-time graduate study for master's degree;

4 j. The program includes an acceptable residency as defined by the rules of the
5 commission.

6 3. Possess a current, full and unrestricted license to practice psychology in a
7 home state which is a compact state;

8 4. No history of adverse action that violate the rules of the commission;

9 5. No criminal record history that violates the rules of the commission;

10 6. Possess a current, active IPC;

11 7. Provide attestations in regard to areas of intended practice and work
12 experience and provide a release of information to allow for primary source
13 verification in a manner specified by the commission; and

14 8. Meet other criteria as defined by the rules of the commission.

15 (c) A psychologist practicing into a distant state under the temporary
16 authorization to practice shall practice within the scope of practice authorized by the
17 distant state.

18 (d) A psychologist practicing into a distant state under the temporary
19 authorization to practice will be subject to the distant state's authority and law. A
20 distant state may, in accordance with that state's due process law, limit or revoke a
21 psychologist's temporary authorization to practice in the distant state and may take
22 any other necessary actions under the distant state's applicable law to protect the
23 health and safety of the distant state's citizens. If a distant state takes action, the
24 state shall promptly notify the home state and the commission.

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1 (e) If a psychologist's license in any home state, another compact state, or any
2 temporary authorization to practice in any distant state, is restricted, suspended or
3 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not
4 be eligible to practice in a compact state under the temporary authorization to
5 practice.

6 **(6) ARTICLE VI — CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.**

7 A psychologist may practice in a receiving state under the authority to practice
8 interjurisdictional telepsychology only in the performance of the scope of practice for
9 psychology as assigned by an appropriate state psychology regulatory authority, as
10 defined in the rules of the commission, and under the following circumstances:

11 (a) The psychologist initiates a client/patient contact in a home state via
12 telecommunications technologies with a client/patient in a receiving state;

13 (b) Other conditions regarding telepsychology as determined by rules
14 promulgated by the commission.

15 **(7) ARTICLE VII — ADVERSE ACTIONS.** (a) A home state shall have the power to
16 impose adverse action against a psychologist's license issued by the home state. A
17 distant state shall have the power to take adverse action on a psychologist's
18 temporary authorization to practice within that distant state.

19 (b) A receiving state may take adverse action on a psychologist's authority to
20 practice interjurisdictional telepsychology within that receiving state. A home state
21 may take adverse action against a psychologist based on an adverse action taken by
22 a distant state regarding temporary in-person, face-to-face practice.

23 (c) If a home state takes adverse action against a psychologist's license, that
24 psychologist's authority to practice interjurisdictional telepsychology is terminated

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1 and the E.Passport is revoked. Furthermore, that psychologist's temporary
2 authorization to practice is terminated and the IPC is revoked.

3 1. All home state disciplinary orders which impose adverse action shall be
4 reported to the commission in accordance with the rules promulgated by the
5 commission. A compact state shall report adverse actions in accordance with the
6 rules of the commission.

7 2. In the event discipline is reported on a psychologist, the psychologist will not
8 be eligible for telepsychology or temporary in-person, face-to-face practice in
9 accordance with the rules of the commission.

10 3. Other actions may be imposed as determined by the rules promulgated by
11 the commission.

12 (d) A home state's psychology regulatory authority shall investigate and take
13 appropriate action with respect to reported inappropriate conduct engaged in by a
14 licensee which occurred in a receiving state as it would if such conduct had occurred
15 by a licensee within the home state. In such cases, the home state's law shall control
16 in determining any adverse action against a psychologist's license.

17 (e) A distant state's psychology regulatory authority shall investigate and take
18 appropriate action with respect to reported inappropriate conduct engaged in by a
19 psychologist practicing under temporary authorization practice which occurred in
20 that distant state as it would if such conduct had occurred by a licensee within the
21 home state. In such cases, distant state's law shall control in determining any
22 adverse action against a psychologist's temporary authorization to practice.

23 (f) Nothing in this compact shall override a compact state's decision that a
24 psychologist's participation in an alternative program may be used in lieu of adverse
25 action and that such participation shall remain non-public if required by the

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1 compact state's law. Compact states must require psychologists who enter any
2 alternative programs to not provide telepsychology services under the authority to
3 practice interjurisdictional telepsychology or provide temporary psychological
4 services under the temporary authorization to practice in any other compact state
5 during the term of the alternative program.

6 (g) No other judicial or administrative remedies shall be available to a
7 psychologist in the event a compact state imposes an adverse action pursuant to par.
8 (c).

9 **(8) ARTICLE VIII — ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S**
10 **PSYCHOLOGY REGULATORY AUTHORITY.** In addition to any other powers granted under
11 state law, a compact state's psychology regulatory authority shall have the authority
12 under this compact to:

13 (a) Issue subpoenas, for both hearings and investigations, which require the
14 attendance and testimony of witnesses and the production of evidence. Subpoenas
15 issued by a compact state's psychology regulatory authority for the attendance and
16 testimony of witnesses, and/or the production of evidence from another compact state
17 shall be enforced in the latter state by any court of competent jurisdiction, according
18 to that court's practice and procedure in considering subpoenas issued in its own
19 proceedings. The issuing state psychology regulatory authority shall pay any
20 witness fees, travel expenses, mileage and other fees required by the service statutes
21 of the state where the witnesses and/or evidence are located; and

22 (b) Issue cease and desist and/or injunctive relief orders to revoke a
23 psychologist's authority to practice interjurisdictional telepsychology and/or
24 temporary authorization to practice.

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1 (c) During the course of any investigation, a psychologist may not change
2 his/her home state licensure. A home state psychology regulatory authority is
3 authorized to complete any pending investigations of a psychologist and to take any
4 actions appropriate under its law. The home state psychology regulatory authority
5 shall promptly report the conclusions of such investigations to the commission. Once
6 an investigation has been completed, and pending the outcome of said investigation,
7 the psychologist may change his/her home state licensure. The commission shall
8 promptly notify the new home state of any such decisions as provided in the rules of
9 the commission. All information provided to the commission or distributed by
10 compact states pursuant to the psychologist shall be confidential, filed under seal
11 and used for investigatory or disciplinary matters. The commission may create
12 additional rules for mandated or discretionary sharing of information by compact
13 states.

14 **(9) ARTICLE IX — COORDINATED LICENSURE INFORMATION SYSTEM.** (a) The
15 commission shall provide for the development and maintenance of a coordinated
16 licensure information system (coordinated database) and reporting system
17 containing licensure and disciplinary action information on all psychologists
18 individuals to whom this compact is applicable in all compact states as defined by the
19 rules of the commission.

20 (b) Notwithstanding any other provision of state law to the contrary, a compact
21 state shall submit a uniform data set to the coordinated database on all licensees as
22 required by the rules of the commission, including:

- 23 1. Identifying information;
- 24 2. Licensure data;
- 25 3. Significant investigatory information;

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- 1 4. Adverse actions against a psychologist's license;
- 2 5. An indicator that a psychologist's authority to practice interjurisdictional
- 3 telepsychology and/or temporary authorization to practice is revoked;
- 4 6. Non-confidential information related to alternative program participation
- 5 information;
- 6 7. Any denial of application for licensure, and the reasons for such denial; and
- 7 8. Other information which may facilitate the administration of this compact,
- 8 as determined by the rules of the commission.

9 (c) The coordinated database administrator shall promptly notify all compact
10 states of any adverse action taken against, or significant investigative information
11 on, any licensee in a compact state.

12 (d) Compact states reporting information to the coordinated database may
13 designate information that may not be shared with the public without the express
14 permission of the compact state reporting the information.

15 (e) Any information submitted to the coordinated database that is
16 subsequently required to be expunged by the law of the compact state reporting the
17 information shall be removed from the coordinated database.

18 **(10) ARTICLE X — ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL**
19 **COMPACT COMMISSION.** (a) The compact states hereby create and establish a joint
20 public agency known as the Psychology Interjurisdictional Compact Commission.

21 1. The commission is a body politic and an instrumentality of the compact
22 states.

23 2. Venue is proper and judicial proceedings by or against the commission shall
24 be brought solely and exclusively in a court of competent jurisdiction where the
25 principal office of the commission is located. The commission may waive venue and

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1 jurisdictional defenses to the extent it adopts or consents to participate in alternative
2 dispute resolution proceedings.

3 3. Nothing in this compact shall be construed to be a waiver of sovereign
4 immunity.

5 (b) *Membership, voting, and meetings.* 1. The commission shall consist of one
6 voting representative appointed by each compact state who shall serve as that state's
7 commissioner. The state psychology regulatory authority shall appoint its delegate.
8 This delegate shall be empowered to act on behalf of the compact state. This delegate
9 shall be limited to:

10 a. Executive director, executive secretary or similar executive;

11 b. Current member of the state psychology regulatory authority of a compact
12 state; OR

13 c. Designee empowered with the appropriate delegate authority to act on behalf
14 of the compact state.

15 2. Any commissioner may be removed or suspended from office as provided by
16 the law of the state from which the commissioner is appointed. Any vacancy
17 occurring in the commission shall be filled in accordance with the laws of the compact
18 state in which the vacancy exists.

19 3. Each commissioner shall be entitled to one (1) vote with regard to the
20 promulgation of rules and creation of bylaws and shall otherwise have an
21 opportunity to participate in the business and affairs of the commission. A
22 commissioner shall vote in person or by such other means as provided in the bylaws.
23 The bylaws may provide for commissioners' participation in meetings by telephone
24 or other means of communication.

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1 4. The commission shall meet at least once during each calendar year.
2 Additional meetings shall be held as set forth in the bylaws.

3 5. All meetings shall be open to the public, and public notice of meetings shall
4 be given in the same manner as required under the rulemaking provisions in sub.
5 (6).

6 6. The commission may convene in a closed, non-public meeting if the
7 commission must discuss:

8 a. Non-compliance of a compact state with its obligations under the compact;

9 b. The employment, compensation, discipline or other personnel matters,
10 practices or procedures related to specific employees or other matters related to the
11 commission's internal personnel practices and procedures;

12 c. Current, threatened, or reasonably anticipated litigation against the
13 commission;

14 d. Negotiation of contracts for the purchase or sale of goods, services or real
15 estate;

16 e. Accusation against any person of a crime or formally censuring any person;

17 f. Disclosure of trade secrets or commercial or financial information which is
18 privileged or confidential;

19 g. Disclosure of information of a personal nature where disclosure would
20 constitute a clearly unwarranted invasion of personal privacy;

21 h. Disclosure of investigatory records compiled for law enforcement purposes;

22 i. Disclosure of information related to any investigatory reports prepared by or
23 on behalf of or for use of the commission or other committee charged with
24 responsibility for investigation or determination of compliance issues pursuant to
25 the compact; or

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1 j. Matters specifically exempted from disclosure by federal and state statute.

2 7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
3 commission's legal counsel or designee shall certify that the meeting may be closed
4 and shall reference each relevant exempting provision. The commission shall keep
5 minutes which fully and clearly describe all matters discussed in a meeting and shall
6 provide a full and accurate summary of actions taken, of any person participating in
7 the meeting, and the reasons therefore, including a description of the views
8 expressed. All documents considered in connection with an action shall be identified
9 in such minutes. All minutes and documents of a closed meeting shall remain under
10 seal, subject to release only by a majority vote of the commission or order of a court
11 of competent jurisdiction.

12 (c) The commission shall, by a majority vote of the commissioners, prescribe
13 bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry
14 out the purposes and exercise the powers of the compact, including but not limited
15 to:

16 1. Establishing the fiscal year of the commission;

17 2. Providing reasonable standards and procedures:

18 a. For the establishment and meetings of other committees; and

19 b. Governing any general or specific delegation of any authority or function of
20 the commission;

21 3. Providing reasonable procedures for calling and conducting meetings of the
22 commission, ensuring reasonable advance notice of all meetings and providing an
23 opportunity for attendance of such meetings by interested parties, with enumerated
24 exceptions designed to protect the public's interest, the privacy of individuals of such
25 proceedings, and proprietary information, including trade secrets. The commission

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1 may meet in closed session only after a majority of the commissioners vote to close
2 a meeting to the public in whole or in part. As soon as practicable, the commission
3 must make public a copy of the vote to close the meeting revealing the vote of each
4 commissioner with no proxy votes allowed;

5 4. Establishing the titles, duties and authority and reasonable procedures for
6 the election of the officers of the commission;

7 5. Providing reasonable standards and procedures for the establishment of the
8 personnel policies and programs of the commission. Notwithstanding any civil
9 service or other similar law of any compact state, the bylaws shall exclusively govern
10 the personnel policies and programs of the commission;

11 6. Promulgating a code of ethics to address permissible and prohibited
12 activities of commission members and employees;

13 7. Providing a mechanism for concluding the operations of the commission and
14 the equitable disposition of any surplus funds that may exist after the termination
15 of the compact after the payment and/or reserving of all of its debts and obligations;

16 8. The commission shall publish its bylaws in a convenient form and file a copy
17 thereof and a copy of any amendment thereto, with the appropriate agency or officer
18 in each of the compact states;

19 9. The commission shall maintain its financial records in accordance with the
20 bylaws; and

21 10. The commission shall meet and take such actions as are consistent with the
22 provisions of this compact and the bylaws.

23 (d) The commission shall have the following powers:

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1 1. The authority to promulgate uniform rules to facilitate and coordinate
2 implementation and administration of this compact. The rule shall have the force
3 and effect of law and shall be binding in all compact states;

4 2. To bring and prosecute legal proceedings or actions in the name of the
5 commission, provided that the standing of any state psychology regulatory authority
6 or other regulatory body responsible for psychology licensure to sue or be sued under
7 applicable law shall not be affected;

8 3. To purchase and maintain insurance and bonds;

9 4. To borrow, accept or contract for services of personnel, including, but not
10 limited to, employees of a compact state;

11 5. To hire employees, elect or appoint officers, fix compensation, define duties,
12 grant such individuals appropriate authority to carry out the purposes of the
13 compact, and to establish the commission's personnel policies and programs relating
14 to conflicts of interest, qualifications of personnel, and other related personnel
15 matters;

16 6. To accept any and all appropriate donations and grants of money, equipment,
17 supplies, materials and services, and to receive, utilize and dispose of the same;
18 provided that at all times the commission shall strive to avoid any appearance of
19 impropriety and/or conflict of interest;

20 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to
21 own, hold, improve or use, any property, real, personal or mixed; provided that at all
22 times the commission shall strive to avoid any appearance of impropriety;

23 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise
24 dispose of any property real, personal or mixed;

25 9. To establish a budget and make expenditures;

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1 10. To borrow money;

2 11. To appoint committees, including advisory committees comprised of
3 members, state regulators, state legislators or their representatives, and consumer
4 representatives, and such other interested persons as may be designated in this
5 compact and the bylaws;

6 12. To provide and receive information from, and to cooperate with, law
7 enforcement agencies;

8 13. To adopt and use an official seal; and

9 14. To perform such other functions as may be necessary or appropriate to
10 achieve the purposes of this compact consistent with the state regulation of
11 psychology licensure, temporary in-person, face-to-face practice and
12 telepsychology practice.

13 (e) The executive board:

14 1. The elected officers shall serve as the executive board, which shall have the
15 power to act on behalf of the commission according to the terms of this compact.

16 1m. The executive board shall be comprised of six members:

17 a. Five voting members who are elected from the current membership of the
18 commission by the commission;

19 b. One ex-officio, nonvoting member from the recognized membership
20 organization composed of state and provincial psychology regulatory authorities.

21 2. The ex-officio member must have served as staff or member on a state
22 psychology regulatory authority and will be selected by its respective organization.

23 3. The commission may remove any member of the executive board as provided
24 in bylaws.

25 4. The executive board shall meet at least annually.

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1 5. The executive board shall have the following duties and responsibilities:

2 a. Recommend to the entire commission changes to the rules or bylaws, changes
3 to this compact legislation, fees paid by compact states such as annual dues, and any
4 other applicable fees;

5 b. Ensure compact administration services are appropriately provided,
6 contractual or otherwise;

7 c. Prepare and recommend the budget;

8 d. Maintain financial records on behalf of the commission;

9 e. Monitor compact compliance of member states and provide compliance
10 reports to the commission;

11 f. Establish additional committees as necessary; and

12 g. Other duties as provided in rules or bylaws.

13 (f) *Financing of the commission.* 1. The commission shall pay, or provide for
14 the payment of the reasonable expenses of its establishment, organization and
15 ongoing activities.

16 2. The commission may accept any and all appropriate revenue sources,
17 donations and grants of money, equipment, supplies, materials and services.

18 3. The commission may levy on and collect an annual assessment from each
19 compact state or impose fees on other parties to cover the cost of the operations and
20 activities of the commission and its staff which must be in a total amount sufficient
21 to cover its annual budget as approved each year for which revenue is not provided
22 by other sources. The aggregate annual assessment amount shall be allocated based
23 upon a formula to be determined by the commission which shall promulgate a rule
24 binding upon all compact states.

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1 4. The commission shall not incur obligations of any kind prior to securing the
2 funds adequate to meet the same; nor shall the commission pledge the credit of any
3 of the compact states, except by and with the authority of the compact state.

4 5. The commission shall keep accurate accounts of all receipts and
5 disbursements. The receipts and disbursements of the commission shall be subject
6 to the audit and accounting procedures established under its bylaws. However, all
7 receipts and disbursements of funds handled by the commission shall be audited
8 yearly by a certified or licensed public accountant and the report of the audit shall
9 be included in and become part of the annual report of the commission.

10 (g) *Qualified immunity, defense, and indemnification.* 1. The members,
11 officers, executive director, employees and representatives of the commission shall
12 be immune from suit and liability, either personally or in their official capacity, for
13 any claim for damage to or loss of property or personal injury or other civil liability
14 caused by or arising out of any actual or alleged act, error or omission that occurred,
15 or that the person against whom the claim is made had a reasonable basis for
16 believing occurred within the scope of commission employment, duties or
17 responsibilities; provided that nothing in this paragraph shall be construed to
18 protect any such person from suit and/or liability for any damage, loss, injury or
19 liability caused by the intentional or willful or wanton misconduct of that person.

20 2. The commission shall defend any member, officer, executive director,
21 employee or representative of the commission in any civil action seeking to impose
22 liability arising out of any actual or alleged act, error or omission that occurred
23 within the scope of commission employment, duties or responsibilities, or that the
24 person against whom the claim is made had a reasonable basis for believing occurred
25 within the scope of commission employment, duties or responsibilities; provided that

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1 nothing herein shall be construed to prohibit that person from retaining his or her
2 own counsel; and provided further, that the actual or alleged act, error or omission
3 did not result from that person's intentional or willful or wanton misconduct.

4 3. The commission shall indemnify and hold harmless any member, officer,
5 executive director, employee or representative of the commission for the amount of
6 any settlement or judgment obtained against that person arising out of any actual
7 or alleged act, error or omission that occurred within the scope of commission
8 employment, duties or responsibilities, or that such person had a reasonable basis
9 for believing occurred within the scope of commission employment, duties or
10 responsibilities, provided that the actual or alleged act, error or omission did not
11 result from the intentional or willful or wanton misconduct of that person.

12 **(11) ARTICLE XI — RULEMAKING.** (a) The commission shall exercise its
13 rulemaking powers pursuant to the criteria set forth in this subsection and the Rules
14 adopted thereunder. Rules and amendments shall become binding as of the date
15 specified in each rule or amendment.

16 (b) If a majority of the legislatures of the compact states rejects a rule, by
17 enactment of a statute or resolution in the same manner used to adopt the compact,
18 then such rule shall have no further force and effect in any compact state.

19 (c) Rules or amendments to the rules shall be adopted at a regular or special
20 meeting of the commission.

21 (d) Prior to promulgation and adoption of a final rule or rules by the
22 commission, and at least sixty (60) days in advance of the meeting at which the rule
23 will be considered and voted upon, the commission shall file a notice of proposed
24 rulemaking:

25 1. On the website of the commission; and

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1 2. On the website of each compact states' psychology regulatory authority or
2 the publication in which each state would otherwise publish proposed rules.

3 (e) The notice of proposed rulemaking shall include:

4 1. The proposed time, date, and location of the meeting in which the rule will
5 be considered and voted upon;

6 2. The text of the proposed rule or amendment and the reason for the proposed
7 rule;

8 3. A request for comments on the proposed rule from any interested person; and

9 4. The manner in which interested persons may submit notice to the
10 commission of their intention to attend the public hearing and any written
11 comments.

12 (f) Prior to adoption of a proposed rule, the commission shall allow persons to
13 submit written data, facts, opinions and arguments, which shall be made available
14 to the public.

15 (g) The commission shall grant an opportunity for a public hearing before it
16 adopts a rule or amendment if a hearing is requested by:

17 1. At least twenty-five (25) persons who submit comments independently of
18 each other;

19 2. A governmental subdivision or agency; or

20 3. A duly appointed person in an association that has having at least
21 twenty-five (25) members.

22 (h) If a hearing is held on the proposed rule or amendment, the commission
23 shall publish the place, time, and date of the scheduled public hearing.

24 1. All persons wishing to be heard at the hearing shall notify the executive
25 director of the commission or other designated member in writing of their desire to

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1 appear and testify at the hearing not less than five (5) business days before the
2 scheduled date of the hearing.

3 2. Hearings shall be conducted in a manner providing each person who wishes
4 to comment a fair and reasonable opportunity to comment orally or in writing.

5 3. No transcript of the hearing is required, unless a written request for a
6 transcript is made, in which case the person requesting the transcript shall bear the
7 cost of producing the transcript. A recording may be made in lieu of a transcript
8 under the same terms and conditions as a transcript. This subdivision shall not
9 preclude the commission from making a transcript or recording of the hearing if it
10 so chooses.

11 4. Nothing in this paragraph shall be construed as requiring a separate hearing
12 on each rule. Rules may be grouped for the convenience of the commission at
13 hearings required by this paragraph.

14 (i) Following the scheduled hearing date, or by the close of business on the
15 scheduled hearing date if the hearing was not held, the commission shall consider
16 all written and oral comments received.

17 (j) The commission shall, by majority vote of all members, take final action on
18 the proposed rule and shall determine the effective date of the rule, if any, based on
19 the rulemaking record and the full text of the rule.

20 (k) If no written notice of intent to attend the public hearing by interested
21 parties is received, the commission may proceed with promulgation of the proposed
22 rule without a public hearing.

23 (L) Upon determination that an emergency exists, the commission may
24 consider and adopt an emergency rule without prior notice, opportunity for
25 comment, or hearing, provided that the usual rulemaking procedures provided in the

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1 compact and in this paragraph shall be retroactively applied to the rule as soon as
2 reasonably possible, in no event later than ninety (90) days after the effective date
3 of the rule. For the purposes of this provision, an emergency rule is one that must
4 be adopted immediately in order to:

5 1. Meet an imminent threat to public health, safety, or welfare;

6 2. Prevent a loss of commission or compact state funds;

7 3. Meet a deadline for the promulgation of an administrative rule that is
8 established by federal law or rule; or

9 4. Protect public health and safety.

10 (m) The commission or an authorized committee of the commission may direct
11 revisions to a previously adopted rule or amendment for purposes of correcting
12 typographical errors, errors in format, errors in consistency, or grammatical errors.
13 Public notice of any revisions shall be posted on the website of the commission. The
14 revision shall be subject to challenge by any person for a period of thirty (30) days
15 after posting. The revision may be challenged only on grounds that the revision
16 results in a material change to a rule. A challenge shall be made in writing, and
17 delivered to the chair of the commission prior to the end of the notice period. If no
18 challenge is made, the revision will take effect without further action. If the revision
19 is challenged, the revision may not take effect without the approval of the
20 commission.

21 **(12) ARTICLE XII — OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT.** (a)
22 *Oversight.* 1. The executive, legislative and judicial branches of state government
23 in each compact state shall enforce this compact and take all actions necessary and
24 appropriate to effectuate the compact's purposes and intent. The provisions of this
25 compact and the rules promulgated hereunder shall have standing as statutory law.

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1 2. All courts shall take judicial notice of the compact and the rules in any
2 judicial or administrative proceeding in a compact state pertaining to the subject
3 matter of this compact which may affect the powers, responsibilities or actions of the
4 commission.

5 3. The commission shall be entitled to receive service of process in any such
6 proceeding, and shall have standing to intervene in such a proceeding for all
7 purposes. Failure to provide service of process to the commission shall render a
8 judgment or order void as to the commission, this compact or promulgated rules.

9 (b) *Default, technical assistance, and termination.* 1. If the commission
10 determines that a compact state has defaulted in the performance of its obligations
11 or responsibilities under this compact or the promulgated rules, the commission
12 shall:

13 a. Provide written notice to the defaulting state and other compact states of the
14 nature of the default, the proposed means of remedying the default and/or any other
15 action to be taken by the commission; and

16 b. Provide remedial training and specific technical assistance regarding the
17 default.

18 2. If a state in default fails to remedy the default, the defaulting state may be
19 terminated from the compact upon an affirmative vote of a majority of the compact
20 states, and all rights, privileges and benefits conferred by this compact shall be
21 terminated on the effective date of termination. A remedy of the default does not
22 relieve the offending state of obligations or liabilities incurred during the period of
23 default.

24 3. Termination of membership in the compact shall be imposed only after all
25 other means of securing compliance have been exhausted. Notice of intent to

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1 suspend or terminate shall be submitted by the commission to the governor, the
2 majority and minority leaders of the defaulting state's legislature, and each of the
3 compact states.

4 4. A compact state which has been terminated is responsible for all
5 assessments, obligations and liabilities incurred through the effective date of
6 termination, including obligations which extend beyond the effective date of
7 termination.

8 5. The commission shall not bear any costs incurred by the state which is found
9 to be in default or which has been terminated from the compact, unless agreed upon
10 in writing between the commission and the defaulting state.

11 6. The defaulting state may appeal the action of the commission by petitioning
12 the U.S. District Court for the state of Georgia or the federal district where the
13 compact has its principal offices. The prevailing member shall be awarded all costs
14 of such litigation, including reasonable attorney's fees.

15 (c) *Dispute resolution.* 1. Upon request by a compact state, the commission
16 shall attempt to resolve disputes related to the compact which arise among compact
17 states and between compact and non-compact states.

18 2. The commission shall promulgate a rule providing for both mediation and
19 binding dispute resolution for disputes that arise before the commission.

20 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its
21 discretion, shall enforce the provisions and rules of this compact.

22 2. By majority vote, the commission may initiate legal action in the United
23 States District Court for the State of Georgia or the federal district where the
24 compact has its principal offices against a compact state in default to enforce
25 compliance with the provisions of the compact and its promulgated rules and bylaws.

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1 The relief sought may include both injunctive relief and damages. In the event
2 judicial enforcement is necessary, the prevailing member shall be awarded all costs
3 of such litigation, including reasonable attorney's fees.

4 3. The remedies herein shall not be the exclusive remedies of the commission.
5 The commission may pursue any other remedies available under federal or state law.

6 **(13) ARTICLE XIII — DATE OF IMPLEMENTATION OF THE PSYCHOLOGY**
7 **INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**
8 **AMENDMENTS.** (a) The compact shall come into effect on the date on which the compact
9 is enacted into law in the seventh compact state. The provisions which become
10 effective at that time shall be limited to the powers granted to the commission
11 relating to assembly and the promulgation of rules. Thereafter, the commission shall
12 meet and exercise rulemaking powers necessary to the implementation and
13 administration of the compact.

14 (b) Any state which joins the compact subsequent to the commission's initial
15 adoption of the rules shall be subject to the rules as they exist on the date on which
16 the compact becomes law in that state. Any rule which has been previously adopted
17 by the commission shall have the full force and effect of law on the day the compact
18 becomes law in that state.

19 (c) Any compact state may withdraw from this compact by enacting a statute
20 repealing the same.

21 1. A compact state's withdrawal shall not take effect until six (6) months after
22 enactment of the repealing statute.

23 2. Withdrawal shall not affect the continuing requirement of the withdrawing
24 state's psychology regulatory authority to comply with the investigative and adverse
25 action reporting requirements of this act prior to the effective date of withdrawal.

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1 (d) Nothing contained in this compact shall be construed to invalidate or
2 prevent any psychology licensure agreement or other cooperative arrangement
3 between a compact state and a non-compact state which does not conflict with the
4 provisions of this compact.

5 (e) This compact may be amended by the compact states. No amendment to this
6 compact shall become effective and binding upon any compact state until it is enacted
7 into the law of all compact states.

8 **(14) ARTICLE XIV — CONSTRUCTION AND SEVERABILITY.** This compact shall be
9 liberally construed so as to effectuate the purposes thereof. If this compact shall be
10 held contrary to the constitution of any state member thereto, the compact shall
11 remain in full force and effect as to the remaining compact states.

12 **SECTION 47.** 455.51 of the statutes is created to read:

13 **455.51 Implementation of the psychology interjurisdictional compact.**

14 **(1)** In this section:

15 (a) “Authority to practice interjurisdictional telepsychology” has the meaning
16 given in s. 455.50 (2) (b).

17 (b) “Interjurisdictional practice certificate” has the meaning given in s. 455.50
18 (2) (im).

19 (c) “E.Passport” has the meaning given in s. 455.50 (2) (g).

20 (d) “Temporary authorization to practice” has the meaning given in s. 455.50
21 (2) (o).

22 **(2) (a) 1.** An individual who holds an interjurisdictional practice certificate and
23 is exercising the temporary authorization to practice in this state shall comply with
24 s. 440.03 (13) (am).

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1 2. An individual who holds an E.Passport and is practicing under the authority
2 to practice interjurisdictional telepsychology shall comply with s. 440.03 (13) (am).

3 (b) 1. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to
4 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
5 holds an interjurisdictional practice certificate and is exercising the temporary
6 authorization to practice in this state in the same manner that they apply to holders
7 of licenses issued under subch. I.

8 2. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to
9 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
10 holds an E.Passport and is practicing under the authority to practice
11 interjurisdictional telepsychology in the same manner that they apply to holders of
12 licenses issued under subch. I.

13 **SECTION 48.** 457.02 (3) of the statutes is amended to read:

14 457.02 (3) Require a person who is licensed as a psychologist under ch. 455 or
15 who is a psychiatrist to be licensed under this chapter in order to use the title
16 “marriage and family therapist,” “marriage and family counselor,” or “professional
17 counselor” if the psychologist or psychiatrist does not use the term “licensed,”
18 “certified,” or “registered” or any similar term in connection with the title “marriage
19 and family therapist,” “marriage and family counselor,” or “professional counselor.”

20 **SECTION 49.** 632.89 (1) (e) 3. of the statutes is amended to read:

21 632.89 (1) (e) 3. A psychologist licensed under ch. 455.

22 **SECTION 50.** 905.04 (1) (e) of the statutes, as affected by 2021 Wisconsin Act 22,
23 is amended to read:

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1 905.04 (1) (e) “Psychologist” means a psychologist licensed under s. 455.04 (1)
2 ~~or (2), as defined in s. 990.01 (31m),~~ or a person reasonably believed by the patient
3 to be a psychologist.

4 **SECTION 51.** 939.615 (6) (e) of the statutes is amended to read:

5 939.615 (6) (e) A person filing a petition requesting termination of lifetime
6 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a
7 person who is either a physician or a psychologist licensed under ch. 455 and who is
8 approved by the court. The physician or psychologist who conducts an examination
9 under this paragraph shall prepare a report of his or her examination that includes
10 his or her opinion of whether the person petitioning for termination of lifetime
11 supervision is a danger to public. The physician or psychologist shall file the report
12 of his or her examination with the court within 60 days after completing the
13 examination, and the court shall provide copies of the report to the person filing the
14 petition and the district attorney who received a copy of the person’s petition under
15 par. (c). The contents of the report shall be confidential until the physician or
16 psychologist testifies at a hearing under par. (f). The person petitioning for
17 termination of lifetime supervision shall pay the cost of an examination required
18 under this paragraph.

19 **SECTION 52.** 971.16 (1) of the statutes is repealed.

20 **SECTION 53.** 971.17 (7) (c) of the statutes is amended to read:

21 971.17 (7) (c) If the person wishes to be examined by a physician, ~~as defined~~
22 ~~in s. 971.16 (1) (a),~~ or a psychologist, ~~as defined in s. 971.16 (1) (b),~~ or other expert
23 of his or her choice, the procedure under s. 971.16 (4) shall apply. Upon motion of an
24 indigent person, the court shall appoint a qualified and available examiner for the
25 person at public expense. Examiners for the person or the district attorney shall

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1 have reasonable access to the person for purposes of examination, and to the person's
2 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
3 care records as provided under s. 146.82 (2) (c).

4 **SECTION 54.** 990.01 (31m) of the statutes is created to read:

5 990.01 **(31m)** PSYCHOLOGIST. "Psychologist" means a psychologist who is
6 licensed under s. 455.04 (1) or (2), is exercising the temporary authorization to
7 practice, as defined in s. 455.50 (2) (o), in this state, or is practicing under the
8 authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

9 (END)