

1969 Assembly Bill 20

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CHAPTER 290, LAWS OF 1969

AN ACT to create 15.401 (11m), 15.405 (10m), 20.165 (2) (jw) and chapter 455 of the statutes, relating to the licensing of persons engaged in the practice of psychology, the creation of a psychology examining board in the department of regulation and licensing, making an appropriation, granting rule-making power and providing penalties.

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

SECTION 1. LEGISLATIVE PURPOSE. The legislature declares that the professional practice of psychology in this state affects the public health, safety and welfare and is subject to regulation and control in the public interest. The purpose of this act is to protect the public from those persons who are unauthorized and unqualified to practice psychology and from unprofessional conduct by persons who are so authorized.

SECTION 2. 15.401 (11m) of the statutes is created to read:

15.401 (11m) PSYCHOLOGY EXAMINING BOARD. The psychology examining board shall have the program responsibilities specified for the examining board under ch. 455.

SECTION 3. 15.405 (10m) of the statutes is created to read:

15.405 (10m) PSYCHOLOGY EXAMINING BOARD. There is created in the department of regulation and licensing a psychology examining board consisting of 3 members appointed for staggered 3-year terms. All members shall have the qualifications required of a licensed psychologist in this state, and one member shall be a member of the faculty of an accredited college or university in this state who actively engages in teaching psychology, one member shall have a Ph. D. in psychology and be practicing in the field of mental health and one member shall be chosen from any field of psychology. No member may serve more than 2 full terms in succession. Appointments may be made from a list of 3 names submitted by the Wisconsin psychological association for each vacancy.

SECTION 4. 20.165 (2) (jw) of the statutes is created to read:

20.165 (2) (jw) *Psychology examining board.* For the psychology examining board, 90% of all money received under ch. 455 for the licensing, rule-making and regulatory functions of the examining board.

SECTION 5. Chapter 455 of the statutes is created to read:

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PSYCHOLOGY EXAMINING BOARD.

455.01 DEFINITIONS. In this chapter:

- (1) "Examining board" means the psychology examining board.

(2) "Department" means the department of regulation and licensing.

(3) "Licensed psychologist" means a person holding a valid license under this chapter which is not suspended or revoked.

(4) "Practice of psychology" means rendering to any person a psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing and counseling in psychotherapy; and the methods and procedures of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation. The application of said principles and methods includes, but is not restricted to: psychological diagnoses, prevention, and amelioration of adjustment problems in behavioral, emotional and mental disorders; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work in learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

(5) "Psychotherapy" means the use of learning, conditioning methods and emotional reactions in a professional relationship to assist persons to modify feelings, attitudes and behaviors which are intellectually, socially or emotionally maladjustive or ineffectual.

(6) (a) A person represents himself to be a psychologist when he presents himself to the public by any title or description of services incorporating the words "psychology", "psychological" or "psychologist", and when he declares himself to be trained, experienced or an expert in the field of psychology and offers to engage or engages in the practice of psychology for any person for a fee, monetary or otherwise.

(b) Nothing in this chapter restricts the use of the term "social psychologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a recognized educational institution, who has passed comprehensive examinations in the field of social psychology as part of the requirements for a doctoral degree or has had equivalent specialized training in social psychology and who has filed with the examining board a statement of the facts demonstrating his compliance with this paragraph.

455.02 LIMITATIONS ON PERSONS NOT LICENSED. (1) (a) This chapter does not restrict exclusively to psychologists the rendering of services included within the practice of psychology, but only a person licensed under this chapter may use the term "licensed psychologist" or represent himself to the public by any title or description of services incorporating the words "psychological", "psychologist" or "psychology" and state or imply that he is licensed to practice psychology.

(b) A licensed psychologist may employ persons as psychological assistants in conducting diagnostic testing and treatment techniques.

(2) Nothing in this chapter restricts the activities and services of a graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited college or university in working in a training program, if such activities and services constitute a part of his supervised course of study and such person is designated by such title as "psychological intern", "psychological trainee" or other title clearly indicating the training status appropriate to his level of training. The term "psychological intern" shall be reserved for persons enrolled in the doctoral program in psychology at an accredited college or university.

(3) (a) Nothing in this chapter restricts or prevents activities of a

psychological nature and the use of the official title of the position for which they were employed on the part of the following persons, if such persons are performing those activities as part of the duties for which they were employed, are performing such activities solely with the confines of or under the jurisdictions of the organization in which they are employed and do not offer to render psychological services to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of the official duties with the organization with which they are employed:

1. Persons who hold a valid and current certificate as a school psychologist issued by the department of public instruction.

2. Persons employed in positions as psychologists or psychological assistants by accredited colleges, junior colleges or universities or by federal, state, county or municipal organizations.

(b) Persons under par. (a) may, without obtaining a license under this chapter, disseminate their research findings and scientific information to others, such as accredited academic institutions or governmental agencies.

(4) A psychologist who is exempt from the licensing requirements of this chapter because of his employment may offer lecture services for a fee.

455.03 TEMPORARY PRACTICE. A psychologist who is not a resident of this state, but who is licensed or certified by a similar examining board of another state or territory or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements of this chapter, or who meet the requirements of this chapter but resides in a jurisdiction which does not grant certification or licenses to psychologists may offer professional services in this state for not more than 60 days in any year without holding a license issued under this chapter. Such person shall report to the examining board the nature and extent of their practice in this state if it exceeds 20 days within a year.

455.04 REQUIREMENTS FOR LICENSING. (1) A candidate for licensing as a psychologist shall:

(a) Be at least 21 years of age.

(b) Be of good moral character.

(c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.

(d) Have had at least one year of appropriate experience in psychological work under conditions satisfactory to the board in addition to satisfying par. (c).

(e) Have passed an examination prepared by the board on ethical issues in the professional practice of psychology.

(2) The examining board shall, until July 1, 1970, waive the requirements of sub. (1) (c) and, upon application and satisfaction of the remaining requirements and the payment of the application fee, grant a license to practice as a psychologist to any applicant who:

(a) Holds a master's degree in psychology from a college or university accredited under sub. (1) (c) and has had 3 years of appropriate experience satisfactory to the board, acquired after receipt of the master's degree, during which he rendered psychological services;

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(b) Has been employed full time as a psychologist or has represented himself to the public in this state as a psychologist and has rendered psychological services to the public for compensation on or before January 1, 1970;

(c) Has been a resident of this state, or maintained a continuous practice or employment as a psychologist in this state at least one year prior to January 1, 1970; and

(d) Has applied for a license on or before January 1, 1970.

(3) The examining board may waive the requirements of sub. (1) (c) and (d) if a candidate holds a diploma of the American board of examiners in professional psychology, or holds a certificate or license of an examining board of some other state or territory or foreign country or province, if the standards of such other examining board are deemed by the members of this board to be equivalent to the standards of this state and like reciprocity is extended to holders of licenses issued by this state.

455.05 APPLICATION AND LICENSING. (1) Any person desiring to obtain a license from the examining board shall file an application with the department. The application shall be accompanied by the fee prescribed by s. 455.07 (1), which fee shall not be refunded.

(1m) All applicants shall appear before the examining board in person prior to licensure to allow the examining board to make such inquiry of them as to qualifications and other matters as it deems proper.

(2) The department shall issue a license to all applicants who are found by the examining board to meet the requirements of this chapter and who have paid the fee provided in s. 455.07 (1).

455.06 RENEWALS. (1) Licenses issued under this section expire on September 30 of the year of their issuance. A licensee shall, on or before its expiration date, apply for renewal of his license to the department, accompanied by the fee specified in s. 455.07 (2). If he applies for renewal of the license after its expiration date, his application shall be accompanied by the fee specified in s. 455.07 (2) and, prior to renewal of his license, he shall pay the fee determined under s. 455.07 (3).

(2) A person who fails to renew his license with 5 years after its expiration may not renew it, but may apply for and obtain a new license if he meets the requirements of this chapter.

455.07 FEES. (1) The application fee for a license under this chapter shall be fixed by the examining board in an amount not less than \$30 nor more than \$40.

(2) The fee for renewal of a license under this chapter shall be fixed by the examining board in an amount not less than \$20 nor more than \$30.

(3) The delinquency fee shall be \$5.

455.08 RULES AND CODE OF ETHICS. The examining board shall adopt such rules as are necessary under this chapter and shall, by rule, establish a reasonable code of ethics governing the professional conduct of psychologists, using as its model the "Ethical Standards of Psychologists", established by the American psychological association. The primary intent of this code shall be to assure that licensed psychologists limit their practices to those specialties in the field of psychology which they are qualified to practice. Every person who holds a license to practice psychology in this state shall be governed and controlled by such code of ethics. A written statement of the code shall be made available to all applicants for licensing, as well as all licensed psychologists, when amendments are made to those standards. Nothing in this chapter shall be construed to authorize the psychologist to engage in the practice of medicine.

455.09 DENIAL, SUSPENSION AND REVOCATION. (1) The exam-

ining board may deny an application for a license, or may by order suspend for a period not exceeding one year, revoke or impose probationary conditions upon a license if the applicant or licensee:

- (a) Is a felon.
- (b) Uses narcotics or alcoholic beverages to an extent dangerous to himself, any other person or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.
- (c) Impersonates another person holding a license under this chapter or allows another person to use his license.
- (d) Uses fraud or deception in applying for a license under this chapter.
- (e) Accepts commissions or rebates or other forms of remuneration for referring persons to other professionals.
- (f) Engages in the wilful, unauthorized communication of information received in professional confidence.
- (g) Violates this chapter or any rule of professional conduct promulgated under this chapter.
- (h) Is grossly negligent in the practice of his profession.

(2) A suspended license is subject to expiration and shall be renewed as provided in this chapter. Such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the practice of psychology.

(3) A revoked license may not be renewed. One year from the date of revocation of a license under this chapter, application may be made for reinstatement. The examining board may accept or reject an application for reinstatement. If reinstatement is granted, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee.

455.10 INJUNCTIVE RELIEF. Violation of s. 455.02 (1) (a) may be enjoined in an action brought by the attorney general on petition by the examining board. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the violation, the court shall enjoin him from further violations thereof until he has been duly licensed. The remedy given by this section is in addition to criminal prosecution under s. 455.11.

455.11 PENALTY. Any person who violates this chapter may be fined not more than \$200 or imprisoned not exceeding 6 months or both.

SECTION 6. FIRST APPOINTMENTS. Of the members first appointed under section 15.405 (10m) of the statutes, one each shall be appointed for terms ending on July 1, 1972, on July 1, 1971, and on July 1, 1970. Such appointments may be made from a list of not less than 9 names submitted by the Wisconsin psychological association. Thereafter, appointments shall be made in accordance with s. 15.405 (10m).

SECTION 7. EFFECTIVE DATE. This act shall take effect on the 91st day following passage and publication.

Approved December 10, 1969.
