

1989 Assembly Bill 220

Date of enactment: **April 17, 1990**

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1989 WISCONSIN ACT 243

AN ACT *to repeal* 455.02 (4) and 455.05 (title), (1) and (2); *to renumber* 455.05 (3); *to renumber and amend* 455.05 (1m); *to amend* 455.01 (4), 455.02 (1) (a), 455.02 (3) (b), 455.03, 455.04 (title), 455.06 (1) and 455.09 (2); *to repeal and recreate* 455.04 (1) (intro.) and (e), 455.04 (4), 455.06 (2) and 455.09 (1) (b); and *to create* 455.04 (1) (f), 455.045 and 455.065 of the statutes, **relating to:** various changes in the regulation of psychologists by the psychology examining board and granting rule-making authority.

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

SECTION 1. 455.01 (4) of the statutes is amended to read:

455.01 (4) "Licensed psychologist" means a person holding a valid license under this chapter which is not suspended or revoked s. 455.04 (1).

SECTION 2. 455.02 (1) (a) of the statutes is amended to read:

455.02 (1) (a) This chapter does not restrict exclusively to licensed psychologists the rendering of services included within the practice of psychology, but only a person an individual licensed under this chapter s. 455.04 (1) may use the term "licensed title "psychologist" or represent himself or herself to the public by any similar title or description of services incorporating the words "psychological", "psychologist" or "psychology" and or state or imply that he or she is licensed to practice psychology, and only an individual licensed under s. 455.04 (4) may use the title "private practice school psychologist" or any similar title or state or imply that he or she is licensed to engage in the private practice of school psychology. Only an individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the public by any description of services incorporating the word "psychological" or "psychology".

SECTION 3. 455.02 (3) (b) of the statutes is amended to read:

455.02 (3) (b) Persons An individual under par. (a) may, without obtaining a license under this chapter s. 455.04 (1) or (4), disseminate their research findings and scientific information to others, such as accredited academic institutions or governmental agencies, or may offer lecture services for a fee.

SECTION 4. 455.02 (4) of the statutes is repealed.

SECTION 5. 455.03 of the statutes is amended to read:

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 of the United States 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 for licensure as a psychologist in s. 455.04 (1) may offer professional services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under this chapter. Such person s. 455.04 (1). The psychologist shall report to the examining board the nature and extent of their his or her practice in this state if it exceeds 20 working days within a year.

SECTION 6. 455.04 (title) of the statutes is amended to read:

455.04 (title) Licensure of psychologists and private practice school psychologists.

SECTION 7. 455.04 (1) (intro.) and (e) of the statutes are repealed and recreated to read:

455.04 (1) (intro.) The department shall issue a psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) or, if sub. (3) applies, the fee specified in s. 440.05 (2), and is found by the examining board to meet all of the following requirements:

(e) Pass the examination under s. 455.045 (1) (a). This paragraph does not apply to an applicant who is licensed as a psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).

SECTION 8. 455.04 (1) (f) of the statutes is created to read:

455.04 (1) (f) Pass the examination under s. 455.045 (1) (b).

SECTION 9. 455.04 (4) of the statutes is repealed and recreated to read:

455.04 (4) The department shall issue a private practice school psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) and is found by the examining board to meet all of the following requirements:

(a) Be at least 18 years of age.

(b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.

(c) Have completed a program for the preparation of school psychologists resulting in a doctor of philosophy, doctor of psychology, doctor of education or education specialist degree, or consisting of a minimum of 60 graduate semester credits resulting in a master's degree in psychology.

(d) Submit written verification from the supervising psychologist or a school official or administrator that the applicant has successfully completed one year of experience or internship in school psychology under the supervision of a school psychologist licensed by the department of public instruction.

(e) Hold a regular license as a school psychologist issued by the department of public instruction.

(f) Pass the examination under s. 455.045 (2) (a). This paragraph does not apply to an applicant who is licensed as a private practice school psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).

(g) Pass the examination under s. 455.045 (2) (b).

SECTION 10. 455.045 of the statutes is created to read:

455.045 Examinations. (1) The examining board shall administer the following examinations for psychol-

ogist licensure at least semiannually at times and places determined by the examining board:

(a) A written examination on the practice of psychology.

(b) A written examination in the elements of practice essential to the public health, safety or welfare.

(2) The examining board shall administer the following examinations for private practice school psychologist licensure at least semiannually at times and places determined by the examining board:

(a) A written examination on the private practice of school psychology.

(b) A written examination in the elements of practice essential to the public health, safety or welfare.

(3) The examining board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance on examinations under this section.

SECTION 11. 455.05 (title), (1) and (2) of the statutes are repealed.

SECTION 12. 455.05 (1m) of the statutes is renumbered 455.04 (5) and amended to read:

455.04 (5) ~~All applicants shall~~ Applicants for licensure under subs. (1) and (4) may be required to 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~~ considers proper.

SECTION 13. 455.05 (3) of the statutes is renumbered 455.04 (6).

SECTION 14. 455.06 (1) of the statutes is amended to read:

455.06 (1) Licenses issued under ~~this section s. 455.04 (1) and (4)~~ expire on September 30 of the odd-numbered year following their issuance. A licensee shall, on or before its expiration date, apply for renewal to the department, accompanied by the fee specified in s. 440.05 (3). An applicant for renewal of a license that expires on or after September 30, 1993, shall include with his or her application proof of completion of continuing educational programs or courses approved under s. 455.065 (2) for the minimum number of hours required in the rules promulgated under s. 455.065 (1).

SECTION 15. 455.06 (2) of the statutes is repealed and recreated to read:

455.06 (2) If a licensee applies for renewal of the license more than 5 years after its expiration, the examining board may make such inquiry as it finds necessary to determine whether the applicant is currently competent to practice as a psychologist or private practice school psychologist in this state and may impose any reasonable conditions on reinstatement of the license that the examining board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the

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applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1) or as a private practice school psychologist under s. 455.04 (4). Notwithstanding any presumption of competence under this subsection, the examining board shall require each applicant under this subsection to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b).

SECTION 16. 455.065 of the statutes is created to read:
455.065 Continuing education requirements. The examining board shall do all of the following:

(1) Promulgate rules establishing the minimum number of hours of continuing education and criteria for the approval of continuing educational programs and courses required for renewal under s. 455.06 (1) of a license that expires on or after September 30, 1993.

(2) Approve continuing educational programs and courses in accordance with the criteria established under sub. (1).

(3) Promulgate rules establishing the minimum number of hours of continuing education and criteria for the approval of continuing educational programs and courses required for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4) (f).

(4) Approve continuing educational programs and courses in accordance with the criteria established under sub. (3).

SECTION 17. 455.09 (1) (b) of the statutes is repealed and recreated to read:

455.09 (1) (b) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of psychology or the pri-

vate practice of school psychology while his or her ability to practice was impaired by alcohol or other drugs.

SECTION 18. 455.09 (2) of the statutes is amended to read:

455.09 (2) A suspended license is subject to expiration and shall be renewed as provided in this chapter. Such renewal under s. 455.06. The renewal of a suspended license does not entitle the licensee, to any rights, privileges or authority conferred by the license while the license remains suspended and until it is reinstated, to engage in the practice of psychology.

SECTION 19. Nonstatutory provisions. The psychology examining board shall submit proposed rules under section 455.065 (1) and (3) of the statutes, as created by this act, to the legislative council under section 227.15 (1) of the statutes no later than February 1, 1991.

SECTION 20. Initial applicability. (1) The treatment of section 455.04 (1) (e) of the statutes first applies to any application for initial licensure as a psychologist received by the department of regulation and licensing on the first day of the 7th month beginning after publication.

(2) The treatment of section 455.04 (4) of the statutes first applies to any application for initial licensure as a private practice school psychologist received by the department of regulation and licensing on the first day of the 13th month beginning after publication.

SECTION 21. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 455.045 (1) of the statutes takes effect on the first day of the 7th month beginning after publication.

(2) The treatment of section 455.045 (2) of the statutes takes effect on the first day of the 13th month beginning after publication.