

State of Wisconsin



1995 Assembly Bill 389

Date of enactment: April 3, 1996
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1995 WISCONSIN ACT 188

AN ACT to repeal 455.02 (1) (b), 455.02 (3) (a) 1. and 2., 455.04 (6) and 455.065 (2); to renumber and amend 455.01 (5), 455.02 (1) (a) and 455.02 (2); to consolidate, renumber and amend 455.02 (3) (a) (intro.) and (b); to amend 455.01 (7) (a), 455.06, 455.065 (1), (3) and (4), 455.09 (1) (e) and 455.10; to repeal and recreate 455.02 (title); and to create 455.01 (3m), 455.01 (5) (b) and (c), 455.02 (1m) and 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (k), (L), (m), (mt), (mx), (mz) and (n) of the statutes; relating to: the regulation of the practice of psychology 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 (3m) of the statutes is created to read:

455.01 (3m) "Fee" means direct or indirect payment or compensation, monetary or otherwise, including the expectation of payment or compensation whether or not actually received.

SECTION 2. 455.01 (5) of the statutes is renumbered 455.01 (5) (intro.) and amended to read:

455.01 (5) (intro.) "Practice of psychology" means rendering to any person for a fee 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, psychoanalysis and biofeedback; 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 these principles and methods in-

cludes, but is not restricted to: psychological diagnoses, all of the following:

(a) Psychological diagnosis, prevention, and amelioration treatment of adjustment problems in behavioral, vocational, educational, emotional, sexual, neuropsychological 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.

SECTION 3. 455.01 (5) (b) and (c) of the statutes are created to read:

455.01 (5) (b) Treatment for alcohol and other substance abuse, disorders of habit and conduct, and the psychological and behavioral aspects of physical illness, accident or other disabilities.

(c) Any other activity authorized by statute or by rules promulgated by the examining board.

SECTION 4. 455.01 (7) (a) of the statutes is amended to read:

455.01 (7) (a) A person makes a representation to be a psychologist when the person uses publicly any title or description of services incorporating the words "psy-

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

chology”, “psychological” or “psychologist”, and when the person makes a declaration 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.~~

SECTION 5. 455.02 (title) of the statutes is repealed and recreated to read:

455.02 (title) License required to practice; use of titles.

SECTION 6. 455.02 (1) (a) of the statutes is renumbered 455.02 (3m) and amended to read:

455.02 (3m) (title) USE OF TITLES. ~~This chapter does not restrict exclusively to licensed psychologists the rendering of services included within the practice of psychology, but only~~ Only an individual licensed under s. 455.04 (1) may use the title “psychologist” or any similar title 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 7. 455.02 (1) (b) of the statutes is repealed.

SECTION 8. 455.02 (1m) of the statutes is created to read:

455.02 (1m) **LICENSE REQUIRED TO PRACTICE.** No person may engage in the practice of psychology or the private practice of school psychology, or attempt to do so or make a representation as authorized to do so, without a license issued by the examining board.

SECTION 9. 455.02 (2) of the statutes is renumbered 455.02 (2m) (f) and amended to read:

455.02 (2m) (f) ~~Nothing in this chapter restricts the activities and services of a~~ 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~~ while working in a training program, if ~~such~~ his or her activities and services constitute a part of ~~his or her~~ the supervised course of study and ~~such person he or she~~ is designated by ~~such~~ a title such as “psychological intern”, “psychological trainee” or other title clearly indicating the training status appropriate to his or her 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 or engaged in a formal psychology internship program.

SECTION 10. 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (k), (L), (m), (mt), (mx), (mz) and (n) of the statutes are created to read:

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

(a) A person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted by this state.

(b) A person providing psychological services as directed, supervised and inspected by a psychologist who has the power to direct, decide and oversee the implementation of the services provided.

(c) The performance of official duties by personnel of any of the armed services or federal health services of the United States.

(e) A person pursuing a course of study leading to a graduate degree in medicine, social work, marriage and family therapy or professional counseling at an accredited college or university while working in a training program, if the person’s activities and services constitute a part of his or her supervised course of study and the person is designated by a title that clearly indicates the training status appropriate to the person’s level of training.

(g) A person certified by the department of public instruction to provide psychological or counseling services, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdiction of the school district by which he or she is employed and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the school district by which he or she is employed.

(h) A person who has a doctoral degree in psychology and who has met the examining board’s requirements for predoctoral supervised experience under s. Psys 2.09 (2), Wis. adm. code, while employed as a psychology resident by a clinic certified by the department of health and social services.

(i) An ordained member of the clergy of any religious denomination or sect who is associated with a church, synagogue or other religious organization, contributions to which are tax deductible for federal and state income tax purposes, if the member of the clergy is engaged in activities that are within the scope of his or her regular duties as a member of the clergy and that are not rendered to the public for a fee over and above the salary or other compensation that the member of the clergy receives for the performance of his or her official duties as a member of the clergy with the church, synagogue or religious organization with which he or she is associated.

(k) A person engaged in employment counseling or testing for other than therapeutic purposes.

(L) A mental health professional who has met all of the qualifications under s. HSS 61.96, Wis. adm. code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health and social services under s. HSS 61.95, Wis. adm. code, if the person is performing activities that are

a part of the duties for which he or she is employed by such a certified outpatient psychotherapy clinic and is performing those activities solely within the confines of or under the jurisdiction of the clinic by which he or she is employed.

(m) A person providing psychological services as an employe of a federal, state or local governmental agency, if the person is providing the psychological services as a part of the duties for which he or she is employed, is providing the psychological services solely within the confines of or under the jurisdiction of the agency by which he or she is employed and does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the agency by which he or she is employed.

(mt) 1. A person practicing music therapy, if all of the following apply:

a. The person is certified or accredited as a music therapist by the Certification Board for Music Therapists or by another national organization that certifies or accredits music therapists.

b. The organization that certified or accredited the person under subd. 1. a. is approved by the examining board.

c. The person files with the examining board evidence satisfactory to the examining board that he or she is certified or accredited as required under subd. 1. a.

2. Subdivision 1. does not apply after October 1, 1999.

(mx) 1. A person practicing art therapy, if all of the following apply:

a. The person is certified or accredited as an art therapist by the Art Therapy Credentials Board or by another national organization that certifies or accredits art therapists.

b. The organization that certified or accredited the person under subd. 1. a. is approved by the examining board.

c. The person files with the examining board evidence satisfactory to the examining board that he or she is certified or accredited as required under subd. 1. a.

2. Subdivision 1. does not apply after October 1, 1999.

(mz) 1. A person practicing dance therapy, if all of the following apply:

a. The person is registered or accredited as a dance therapist by the American Dance Therapy Association or by another national organization that registers or accredits dance therapists.

b. The organization that registered or accredited the person under subd. 1. a. is approved by the examining board.

c. The person files with the examining board evidence satisfactory to the examining board that he or she is registered or accredited as required under subd. 1. a.

2. Subdivision 1. does not apply after October 1, 1999.

(n) A person coordinating or participating in the activities of a nonprofit peer support group, if the person performs those activities solely within the confines of the peer support group and does not render or offer to render psychological services to the public for a fee.

SECTION 11. 455.02 (3) (a) (intro.) and (b) of the statutes are consolidated, renumbered 455.02 (2m) (d) and amended to read:

455.02 (2m) (d) ~~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~~ A person employed in a position as a psychologist or psychological assistant by an accredited college, junior college or university or other academic or research institution, if such persons are the person is performing those activities as that are a part of the duties for which they were he or she is employed, are is performing such those activities solely with within the confines of or under the jurisdictions of the organization institution in which they are he or she is employed and do does not render or offer to render psychological services to the public for a fee, monetary or otherwise, over and above the salary they receive that he or she receives for the performance of the official duties with the organization institution with which they are he or she is employed; ~~(b).~~ An individual acting under par. (a) this paragraph may, without obtaining a license under s. 455.04 (1) or (4), disseminate research findings and scientific information to others, such as accredited academic institutions or governmental agencies, or may offer lecture services for a fee.

SECTION 12. 455.02 (3) (a) 1. and 2. of the statutes are repealed.

SECTION 13. 455.04 (6) of the statutes is repealed.

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

455.06 Renewals. The renewal date and renewal fee for licenses issued under s. 455.04 (1) and (4) are specified under s. 440.08 (2) (a). An applicant for renewal of a license ~~with a renewal date that is on or after October 1, 1993,~~ shall include with his or her application proof of completion of continuing educational education programs or courses approved under s. 455.065 (2) (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (1).

SECTION 15. 455.065 (1), (3) and (4) of the statutes are amended to read:

455.065 (1) Promulgate rules establishing the minimum number of hours of continuing education ~~and, the topic areas that the continuing education must cover, the criteria for the approval of continuing educational education~~ programs and courses required for renewal of a license ~~with a renewal date that is on or after October 1, 1993~~ and the criteria for the approval of the

sponsors and cosponsors of those continuing education programs and courses.

(3) Promulgate rules establishing the minimum number of hours of continuing education ~~and, the topic areas that the continuing education must cover,~~ the criteria for the approval of continuing ~~educational~~ education programs and courses required for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4) (f) ~~and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses.~~

(4) Approve continuing ~~educational~~ education programs and courses in accordance with the criteria established under ~~sub.~~ subs. (1) and (3).

SECTION 16. 455.065 (2) of the statutes is repealed.

SECTION 17. 455.09 (1) (e) of the statutes is amended to read:

455.09 (1) (e) Accepts ~~commissions or rebates a~~ commission, rebate or other ~~forms form~~ of remuneration ~~fee~~ for referring persons to other professionals.

SECTION 18. 455.10 of the statutes is amended to read:

455.10 Injunctive relief. Violation of s. 455.02 (~~+~~) (~~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 the respondent from further violations thereof until he or she has been duly licensed. The remedy given by this section is in addition to criminal prosecution under s. 455.11.

SECTION 18m. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 455.02 (title), (1) (a) and (b), (1m), (2), (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (k), (L), (m), (mt), (mx), (mz) and (n) and (3) (a) (intro.), 1. and 2. and (b) of the statutes takes effect on October 1, 1996.