



1995 ASSEMBLY BILL 389

May 23, 1995 - Introduced by Representatives URBAN, JOHNSRUD, HASENOHRL, HANDRICK, ROBSON, WASSERMAN, WALKER, GOETSCH, HAHN, LEHMAN, SILBAUGH, OLSEN, DUFF, ZIEGELBAUER, KAUFERT, HANSON, PORTER, VRAKAS and ALBERS, cosponsored by Senators LEEAN, FITZGERALD, RUDE, ROSENZWEIG, DARLING, C. POTTER, RISSER and CHVALA, by request of The Society of Clinical and Consulting Psychologists and the Psychology Examining Board. Referred to Committee on Consumer Affairs.

1 **AN ACT to repeal** 455.02 (1) (b), 455.02 (3) (a) 1. and 2., 455.04 (6) and 455.065
2 (2); **to renumber and amend** 455.01 (5), 455.02 (1) (a) and 455.02 (2); **to**
3 **consolidate, renumber and amend** 455.02 (3) (a) (intro.) and (b); **to amend**
4 455.06, 455.065 (1), (3) and (4) and 455.10; **to repeal and recreate** 455.02
5 (title); and **to create** 455.01 (5) (a), (c), (d), (e), (f), (g), (h), (i) and (j), 455.02 (1m)
6 and 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (j), (k), (L) and (m) of the
7 statutes; **relating to:** the regulation of the practice of psychology and granting
8 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person who is not licensed as a psychologist or private school psychologist by the psychology examining board (board) may not use the title "psychologist", "private school psychologist" or any similar title and may not state or imply that he or she is licensed to practice psychology. However, under current law a person who is not licensed by the board may provide services included in the practice of psychology. This bill provides that, with certain exceptions, a person may provide services that are included in the practice of psychology only if he or she is licensed as a psychologist or private school psychologist by the board. The bill also modifies the definition of the practice of psychology to include such things as marital counseling, psychoanalysis, psychoeducational evaluation and counseling, treatment for alcohol and other substance abuse, biofeedback and the evaluation of a person's competency in certain legal proceedings.

Also, under current law the board is required to promulgate rules establishing:
1) the minimum number of hours of continuing education requirements that a

licensed psychologist must have in order to renew his or her license; and 2) the criteria for the approval of continuing education programs and courses. This bill provides that the board must also promulgate rules establishing the topic areas that continuing education must cover. The bill also requires the rules promulgated by the board concerning continuing education to be consistent with the continuing education curriculum content criteria established by the committee for the approval of continuing education sponsors of the American Psychological Association.

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

3 455.01 (5) (intro.) "Practice of psychology" means rendering to any person a
4 psychological service involving the application of principles, methods and
5 procedures of understanding, predicting and influencing behavior, such as the
6 principles pertaining to learning, perception, motivation, performance, thinking,
7 emotions and interpersonal relationships; the methods and procedures of
8 interviewing ~~and~~, counseling ~~in~~ and psychotherapy; and the methods and procedures
9 of constructing, administering and interpreting tests of mental abilities, aptitudes,
10 interests, attitudes, personality characteristics, emotion and motivation. The
11 application of said principles and methods includes, but is not restricted to:
12 psychological, all of the following:

13 (b) Psychological diagnoses, prevention, and amelioration of adjustment
14 problems in behavioral, emotional, sexual, neuropsychological and mental
15 disorders; hypnosis; educational and vocational.

16 (k) Vocational counseling; personnel.

17 (L) Personnel selection and management; the evaluation.

1 (m) Evaluation and planning for effective work in ~~learning situations;~~
2 advertising performance.

3 (n) Advertising and market research; ~~and the.~~

4 (o) The resolution of interpersonal and social conflicts.

5 **SECTION 2.** 455.01 (5) (a), (c), (d), (e), (f), (g), (h), (i) and (j) of the statutes are
6 created to read:

7 455.01 **(5)** (a) Diagnosis and treatment of mental and emotional disorders.

8 (c) Hypnosis.

9 (d) Marital counseling.

10 (e) Psychoanalysis.

11 (f) Psychoeducational remediation, consultation, evaluation and counseling.

12 (g) Enhancement of interpersonal relationships, work and life adjustments,
13 and behavioral and mental health.

14 (h) Biofeedback.

15 (i) Treatment for alcohol and other substance abuse, disorders of habit and
16 conduct, and the psychological and behavioral aspects of physical illness, accident
17 or other disabilities.

18 (j) Evaluation of a person's competency under ch. 880 or 971 or of a person's
19 competency to refuse medication under s. 51.20 (7) (d), 51.61 (1) (g), 51.67 or 975.06
20 (7) or ch. 880 or 971.

21 **SECTION 3.** 455.02 (title) of the statutes is repealed and recreated to read:

22 **455.02** (title) **License required to practice; use of titles.**

23 **SECTION 4.** 455.02 (1) (a) of the statutes is renumbered 455.02 (3m) and
24 amended to read:

1 455.02 **(3m)** (title) USE OF TITLES. ~~This chapter does not restrict exclusively to~~
2 ~~licensed psychologists the rendering of services included within the practice of~~
3 ~~psychology, but only~~ Only an individual licensed under s. 455.04 (1) may use the title
4 “psychologist” or any similar title or state or imply that he or she is licensed to
5 practice psychology, and only an individual licensed under s. 455.04 (4) may use the
6 title “private practice school psychologist” or any similar title or state or imply that
7 he or she is licensed to engage in the private practice of school psychology. Only an
8 individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the
9 public by any description of services incorporating the word “psychological” or
10 “psychology”.

11 **SECTION 5.** 455.02 (1) (b) of the statutes is repealed.

12 **SECTION 6.** 455.02 (1m) of the statutes is created to read:

13 455.02 **(1m)** LICENSE REQUIRED TO PRACTICE. No person may engage in the
14 practice of psychology or the private practice of school psychology, or attempt to do
15 so or make a representation as authorized to do so, without a license issued by the
16 examining board.

17 **SECTION 7.** 455.02 (2) of the statutes is renumbered 455.02 (2m) (f) and
18 amended to read:

19 455.02 **(2m)** (f) ~~Nothing in this chapter restricts the activities and services of~~
20 ~~a~~ A graduate student or psychological intern in psychology pursuing a course of
21 study leading to a graduate degree in psychology at an accredited college or
22 university ~~in~~ while working in a training program, if such his or her activities and
23 services constitute a part of ~~his or her~~ the supervised course of study and ~~such person~~
24 he or she is designated by such a title such as “psychological intern”, “psychological
25 trainee” or other title clearly indicating the training status appropriate to his or her

1 level of training. The term “psychological intern” shall be reserved for persons
2 enrolled in the doctoral program in psychology at an accredited college or university
3 or engaged in a formal psychology internship program.

4 **SECTION 8.** 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (j), (k), (L) and (m)
5 of the statutes are created to read:

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

8 (a) A person lawfully practicing within the scope of a license, permit,
9 registration, certificate or certification granted to practice nursing under ch. 441, to
10 practice medicine and surgery under ch. 448 or to practice as a social worker,
11 marriage and family therapist or professional counselor under ch. 457.

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

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

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

23 (g) A person who holds a valid and current certificate as a school psychologist
24 issued by the department of public instruction, if the person is performing activities
25 that are a part of the duties for which he or she is employed, is performing those

1 activities solely within the confines of or under the jurisdiction of the organization
2 by which he or she is employed and does not render or offer to render psychological
3 services to the public for a fee, monetary or otherwise, over and above the salary that
4 he or she receives for the performance of the official duties with the organization by
5 which he or she is employed.

6 (h) A person who has a doctoral degree in psychology and who has met the
7 examining board's requirements for predoctoral supervised experience under s. Psys
8 2.09 (2), Wis. adm. code, while employed as a psychology resident by a clinic certified
9 by the department of health and social services.

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

19 (j) A person practicing hypnosis for other than therapeutic purposes.

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

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

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

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

12 **SECTION 9.** 455.02 (3) (a) (intro.) and (b) of the statutes are consolidated,
13 renumbered 455.02 (2m) (d) and amended to read:

14 455.02 (2m) (d) ~~Nothing in this chapter restricts or prevents activities of a~~
15 ~~psychological nature and the use of the official title of the position for which they~~
16 ~~were employed on the part of the following persons~~ A person employed in a position
17 as a psychologist or psychological assistant by an accredited college, junior college
18 or university or other academic or research institution, if such persons are the person
19 is performing those activities as that are a part of the duties for which they were he
20 or she is employed, are is performing such those activities solely with within the
21 confines of or under the jurisdictions of the organization institution in which they are
22 he or she is employed and do does not render or offer to render psychological services
23 to the public for a fee, monetary or otherwise, over and above the salary they receive
24 that he or she receives for the performance of the official duties with the organization
25 institution with which they are he or she is employed: (b). An individual acting under

1 ~~par. (a)~~ this paragraph may, without obtaining a license under s. 455.04 (1) or (4),
2 disseminate research findings and scientific information to others, such as
3 accredited academic institutions or governmental agencies, or may offer lecture
4 services for a fee.

5 **SECTION 10.** 455.02 (3) (a) 1. and 2. of the statutes are repealed.

6 **SECTION 11.** 455.04 (6) of the statutes is repealed.

7 **SECTION 12.** 455.06 of the statutes is amended to read:

8 **455.06 Renewals.** The renewal date and renewal fee for licenses issued under
9 s. 455.04 (1) and (4) are specified under s. 440.08 (2) (a). An applicant for renewal
10 of a license ~~with a renewal date that is on or after October 1, 1993,~~ shall include with
11 his or her application proof of completion of continuing ~~educational~~ education
12 programs or courses approved under s. 455.065 ~~(2)~~ (4) for the minimum number of
13 hours required in the rules promulgated under s. 455.065 (1).

14 **SECTION 13.** 455.065 (1), (3) and (4) of the statutes are amended to read:

15 455.065 (1) Promulgate rules establishing the minimum number of hours of
16 continuing education, ~~the topic areas that the continuing education must cover~~ and
17 ~~the~~ criteria for the approval of continuing ~~educational~~ education programs and
18 courses required for renewal of a license ~~with a renewal date that is on or after~~
19 ~~October 1, 1993.~~ The rules promulgated under this subsection shall be consistent
20 with the continuing education curriculum content criteria established by the
21 committee for the approval of continuing education sponsors of the American
22 Psychological Association.

23 (3) Promulgate rules establishing the minimum number of hours of continuing
24 education, ~~the topic areas that the continuing education must cover~~ and ~~the~~ criteria
25 for the approval of continuing ~~educational~~ education programs and courses required

1 for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4)
2 (f). The rules promulgated under this subsection shall be consistent with the
3 continuing education curriculum content criteria established by the committee for
4 the approval of continuing education sponsors of the American Psychological
5 Association.

6 (4) Approve continuing educational education programs and courses in
7 accordance with the criteria established under sub. subs. (1) and (3). The examining
8 board may approve any continuing education program presented by a sponsor or
9 cosponsor approved by the committee for the approval of continuing education
10 sponsors of the American Psychological Association.

11 **SECTION 14.** 455.065 (2) of the statutes is repealed.

12 **SECTION 15.** 455.10 of the statutes is amended to read:

13 **455.10 Injunctive relief.** Violation of s. 455.02 ~~(1)~~-(a) may be enjoined in an
14 action brought by the attorney general on petition by the examining board. In any
15 such proceeding, it shall not be necessary to show that any person is individually
16 injured by the actions complained of. If the respondent is found guilty of the
17 violation, the court shall enjoin the respondent from further violations thereof until
18 he or she has been duly licensed. The remedy given by this section is in addition to
19 criminal prosecution under s. 455.11.

20 (END)