

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 420**

February 29, 2000 – Offered by Representative URBAN.

1     **AN ACT to amend** 15.08 (1m) (b), 48.981 (2), 252.14 (1) (ar) 9., 252.14 (1) (ar) 10.,  
2           252.14 (1) (ar) 11., 895.70 (1) (e), 905.04 (title), 905.04 (1) (b), 905.04 (1) (c),  
3           905.04 (2), 905.04 (3), 905.04 (4) (a), 905.04 (4) (e) 2., 905.04 (4) (e) 3. and 940.22  
4           (1) (i); and **to create** 15.405 (18), 146.81 (1) (hs), 180.1901 (1m) (h), 252.14 (1)  
5           (ar) 8m., 440.08 (2) (a) 64h., 440.08 (2) (a) 64p., 440.08 (2) (a) 64s., 440.08 (2) (a)  
6           64t., chapter 475, 895.70 (1) (bm), 905.04 (1) (em) and 940.22 (1) (cm) of the  
7           statutes; **relating to:** regulating the practice of psychotherapy, creating a  
8           psychotherapy examining board, granting rule-making authority and  
9           providing a penalty.

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

10           **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:  
11           15.08 **(1m)** (b) The public members of the chiropractic examining board, the  
12           dentistry examining board, the hearing and speech examining board, the medical

1 examining board, occupational therapy examining council, respiratory care  
2 practitioners examining council and council on physician assistants, the board of  
3 nursing, the nursing home administrator examining board, the veterinary  
4 examining board, the optometry examining board, the pharmacy examining board,  
5 the examining board of social workers, marriage and family therapists and  
6 professional counselors ~~and~~, the psychology examining board and the psychotherapy  
7 examining board shall not be engaged in any profession or occupation concerned with  
8 the delivery of physical or mental health care.

9 **SECTION 2.** 15.405 (18) of the statutes is created to read:

10 15.405 (18) PSYCHOTHERAPY EXAMINING BOARD. There is created in the  
11 department of regulation and licensing a psychotherapy examining board consisting  
12 of the following members appointed for 4-year terms:

13 (a) One member who is certified as an independent clinical social worker under  
14 under ch. 457.

15 (b) One member who is certified as a marriage and family therapist under ch.  
16 457.

17 (c) One member who is certified as a professional counselor under ch. 457.

18 (d) Two public members.

19 **SECTION 3.** 48.981 (2) of the statutes is amended to read:

20 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
21 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, psychotherapist,  
22 other medical or mental health professional, social worker, marriage and family  
23 therapist, professional counselor, public assistance worker, including a financial and  
24 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
25 counselor, mediator under s. 767.11, child care worker in a day care center or child

1 caring institution, day care provider, alcohol or other drug abuse counselor, member  
2 of the treatment staff employed by or working under contract with a county  
3 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
4 therapist, dietitian, speech–language pathologist, audiologist, emergency medical  
5 technician or police or law enforcement officer having reasonable cause to suspect  
6 that a child seen in the course of professional duties has been abused or neglected  
7 or having reason to believe that a child seen in the course of professional duties has  
8 been threatened with abuse or neglect and that abuse or neglect of the child will occur  
9 shall, except as provided under sub. (2m), report as provided in sub. (3). Any other  
10 person, including an attorney, having reason to suspect that a child has been abused  
11 or neglected or reason to believe that a child has been threatened with abuse or  
12 neglect and that abuse or neglect of the child will occur may make such a report. Any  
13 person, including an attorney having reason to suspect that an unborn child has been  
14 abused or reason to believe that an unborn child is at substantial risk of abuse may  
15 report as provided in sub. (3). No person making a report under this subsection may  
16 be discharged from employment for so doing.

17 **SECTION 4.** 146.81 (1) (hs) of the statutes is created to read:

18 146.81 (1) (hs) A psychotherapist licensed under ch. 475.

19 **SECTION 5.** 180.1901 (1m) (h) of the statutes is created to read:

20 180.1901 (1m) (h) The psychotherapy examining board under ch. 475.

21 **SECTION 6.** 252.14 (1) (ar) 8m. of the statutes is created to read:

22 252.14 (1) (ar) 8m. A psychotherapist licensed under ch. 475.

23 **SECTION 7.** 252.14 (1) (ar) 9. of the statutes is amended to read:

24 252.14 (1) (ar) 9. An employe or agent of any provider specified under subds.

25 1. to § 8m.



1           **(2)** “Field of study” means social work, marriage and family therapy,  
2 professional counseling or a field of study approved by the examining board in rules  
3 promulgated under s. 475.08 (1).

4           **(3)** “Marriage and family therapy” has the meaning given under s. 457.01 (5).

5           **(4)** “Professional counseling” has the meaning given in s. 457.01 (6).

6           **(5)** “Psychological intern” means a person enrolled in a doctoral program in  
7 psychology at an accredited college or university or engaged in a formal psychology  
8 internship program.

9           **(6)** “Psychologist” means a person licensed as psychologist under ch. 455.

10           **(7)** “Psychotherapist” means a person licensed to practice psychotherapy under  
11 this chapter.

12           **(8)** “Psychotherapy” has the meaning given in s. 455.01 (6).

13           **(9)** “Social work” has the meaning given in s. 457.01 (9).

14           **475.02 License required. (1)** Except as provided in s. 475.03, no person may  
15 practice psychotherapy, independently and without supervision, for compensation or  
16 in the expectation of compensation, designate himself or herself as a  
17 psychotherapist, use the title “psychotherapist” or use any other title or designation  
18 that represents or may tend to represent the person as a psychotherapist unless the  
19 person is licensed under this chapter.

20           **(2) (a)** Except for a person certified as an independent clinical social worker  
21 under ch. 457, no person may use the title “clinical social worker” unless the person  
22 is licensed under s. 475.04 (2).

23           **(b)** No person may use the title “clinical marriage and family therapist” unless  
24 the person is licensed under s. 475.04 (3).

1 (c) No person may use the title “clinical professional counselor” unless the  
2 person is licensed under s. 475.04 (4).

3 (d) No person may use the word “clinical” in a title used by a practitioner of a  
4 field of study approved under rules promulgated under s. 475.08 (1) unless the  
5 person is licensed under s. 475.04 (5).

6 **475.03 Applicability.** A license under this chapter is not required for any of  
7 the following:

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

10 (2) A person certified as an advanced practice social worker or independent  
11 social worker under ch. 457 practicing psychotherapy under supervision as specified  
12 in rules promulgated by the examining board of social workers, marriage and family  
13 therapists and professional counselors.

14 (3) A person practicing psychotherapy as directed, supervised and inspected  
15 by a psychologist who has the power to direct, decide and oversee the practice.

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

18 (5) A person employed in a position as a psychologist or psychological assistant  
19 by an accredited college, junior college or university or other academic or research  
20 institution, if the person practices psychotherapy as part of the duties for which he  
21 or she is employed, is practicing psychotherapy solely within the confines of or under  
22 the jurisdictions of the institution in which he or she is employed and does not  
23 practice psychotherapy for the public for a fee over and above the salary that he or  
24 she receives for the performance of the official duties with the institution with which  
25 he or she is employed.

1           **(6)** A person pursuing a course of study leading to a graduate degree in  
2 medicine, social work, marriage and family therapy, professional counseling or a  
3 field of study approved under rules promulgated under s. 475.08 (1) at an accredited  
4 college or university while working in a training program, if the person's practice of  
5 psychotherapy constitutes a part of his or her supervised course of study and the  
6 person is designated by a title that clearly indicates the training status appropriate  
7 to the person's level of training.

8           **(7)** A graduate student or psychological intern in psychology pursuing a course  
9 of study leading to a graduate degree in psychology at an accredited college or  
10 university while working in a training program, if his or her practice of  
11 psychotherapy constitutes a part of the supervised course of study and he or she is  
12 designated by a title such as "psychological intern", "psychological trainee" or other  
13 title clearly indicating the training status appropriate to his or her level of training.

14           **(8)** A person certified by the department of public instruction to provide  
15 psychological or counseling services, if the person practices psychotherapy as part  
16 of the duties for which he or she is employed, is practicing psychotherapy solely  
17 within the confines of or under the jurisdiction of the school district by which he or  
18 she is employed and does not practice psychotherapy for the public for a fee over and  
19 above the salary that he or she receives for the performance of the official duties with  
20 the school district by which he or she is employed.

21           **(9)** A person who has a doctoral degree in psychology and who has met the  
22 requirements for predoctoral supervised experience specified in rules promulgated  
23 by the psychology examining board while employed as a psychology resident by a  
24 clinic certified by the department of health and family services.

1           **(10)** An ordained member of the clergy of any religious denomination or sect  
2 who is associated with a church, synagogue or other religious organization,  
3 contributions to which are tax deductible for federal and state income tax purposes,  
4 if the member of the clergy practices psychotherapy within the scope of his or her  
5 regular duties as a member of the clergy and the member of the clergy does not  
6 practice psychotherapy for the public for a fee over and above the salary or other  
7 compensation that the member of the clergy receives for the performance of his or her  
8 official duties as a member of the clergy with the church, synagogue or religious  
9 organization with which he or she is associated.

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

12           **(12)** A mental health professional who has met all of the qualifications for  
13 employment as a mental health professional in an outpatient psychotherapy clinic  
14 certified by the department of health and family services under rules promulgated  
15 by the department, if the person practices psychotherapy as part of the duties for  
16 which he or she is employed by such a certified outpatient psychotherapy clinic and  
17 the practice is solely within the confines of or under the jurisdiction of the clinic by  
18 which he or she is employed.

19           **(13)** A person practicing psychotherapy as an employe of a federal, state or local  
20 governmental agency, if the person is practicing psychotherapy as a part of the duties  
21 for which he or she is employed, is practicing psychotherapy solely within the  
22 confines of or under the jurisdiction of the agency by which he or she is employed and  
23 does not practice psychotherapy for the public for a fee over and above the salary that  
24 he or she receives for the performance of the official duties with the agency by which  
25 he or she is employed.

1           **(14)** A person coordinating or participating in the activities of a nonprofit peer  
2 support group, if the person practices psychotherapy solely within the confines of the  
3 peer support group and does practice psychotherapy for the public for a fee.

4           **475.04 Licensure. (1)** The examining board may not grant a license to  
5 practice psychotherapy to a person unless the person does all of the following:

6           (a) Submits an application for the license to the department on a form provided  
7 by the department.

8           (b) Pays the fee specified in s. 440.05 (1).

9           (c) Submits evidence satisfactory to the examining board that he or she has  
10 completed 3,000 hours of psychotherapy practice within a 2–year period under the  
11 supervision of a person who satisfies any of the following:

12           1. The person is licensed under this chapter and satisfies one of the following:

13           a. The person has a master’s degree in the same field of study as the applicant  
14 and the person has at least 5 years of clinical experience in that field of study.

15           b. The person has a doctorate degree in the same field of study as the applicant.

16           2. The person is a physician licensed under subch. II of ch. 448 who specializes  
17 in psychiatry or is a psychologist.

18           (d) Passes an examination under s. 475.05.

19           **(2)** The examining board shall grant a license to practice psychotherapy as a  
20 clinical social worker to a person who satisfies the requirements under sub. (1) and  
21 who satisfies one of the following:

22           (a) The person is certified as an independent clinical social worker under ch.  
23 457.

24           (b) The person submits evidence satisfactory to the examining board of all of  
25 the following:

1           1. That the person has received a master’s degree in social work from a program  
2 accredited by, or a preaccreditation program of, the Council on Social Work  
3 Education or a doctorate degree in social work and, as part of the master’s or  
4 doctorate degree program, had a clinical social work concentration and completed  
5 supervised clinical field training.

6           2. That after receiving a master’s or doctorate degree in social work the person  
7 has engaged in the equivalent of at least 2 years of full–time supervised clinical social  
8 work practice approved by the examining board.

9           3. That the person has passed an examination approved by the examining  
10 board to determine minimum competence to practice as an independent clinical  
11 social worker as specified in the rules promulgated under s. 457.03 (2) or has passed  
12 an advanced clinical social work examination approved by the examining board.

13           **(3)** The examining board shall grant a license to practice psychotherapy as a  
14 clinical marriage and family therapist to a person who satisfies the requirements  
15 under sub. (1) and who satisfies one of the following:

16           (a) The person is certified as a marriage and family therapist under ch. 457.

17           (b) The person submits evidence satisfactory to the examining board of all of  
18 the following:

19           1. That the person has received one of the following:

20           a. A master’s or doctorate degree in marriage and family therapy from a  
21 program accredited by the Commission on Accreditation for Marriage and Family  
22 Therapy Education.

23           b. A master’s or doctorate degree in marriage and family therapy, psychology,  
24 sociology, social work, professional counseling or other mental health field that  
25 included course work that the examining board determines is substantially

1 equivalent to the course work required for a master’s or doctorate degree in marriage  
2 and family therapy described under subd. 1. a.

3 2. That after receiving a master’s or doctorate degree required under subd. 1.,  
4 the person has engaged in the equivalent of at least 2 years of full–time supervised  
5 clinical marriage and family therapy practice approved by the examining board.

6 3. That the person has passed an examination approved by the examining  
7 board to determine minimum competence to practice marriage and family therapy.

8 **(4)** The examining board shall grant a license to practice psychotherapy as a  
9 clinical professional counselor to a person who satisfies the requirements under sub.  
10 (1) and who satisfies one of the following:

11 (a) The person is certified as a professional counselor under ch. 457.

12 (b) The person submits evidence satisfactory to the examining board of all of  
13 the following:

14 1. That the person has received a master’s or doctorate degree in professional  
15 counseling or its equivalent from a program approved by the examining board.

16 2. That the person has done one of the following:

17 a. After receiving a master’s degree in professional counseling or its equivalent,  
18 the person has engaged in the equivalent of at least 2 years of full–time supervised  
19 clinical professional counseling practice approved by the examining board.

20 b. After receiving a doctorate degree in professional counseling or its  
21 equivalent, the person has engaged in the equivalent of at least one year of full–time  
22 supervised clinical professional counseling practice approved by the examining  
23 board.

24 3. That the person has passed an examination approved by the examining  
25 board to determine minimum competence to practice professional counseling.

1           **(5)** The examining board shall grant a license to practice psychotherapy as a  
2 practitioner of a field of study approved by the examining board under rules  
3 promulgated under s. 475.08 (1) to a person who satisfies the requirements under  
4 sub. (1) and who submits evidence satisfactory to the examining board of all of the  
5 following:

6           (a) That the person has a master's or doctorate degree in that field of study.

7           (b) That the person satisfies the requirements under the rules promulgated  
8 under s. 475.08 (2).

9           **475.05 Examination. (1)** The examining board shall conduct or arrange for  
10 examinations for licensure under this chapter at least semiannually and at times  
11 and places determined by the examining board.

12           **(2)** Examinations shall consist of written or oral tests, or both, requiring  
13 applicants to demonstrate minimum competency in psychotherapy.

14           **475.06 Issuance of license; expiration and renewal. (1)** The department  
15 shall issue a certificate of licensure to each person who is licensed under this chapter.

16           **(2)** The renewal dates for licenses granted under this chapter are specified  
17 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department  
18 on a form provided by the department and shall include the renewal fee specified in  
19 s. 440.08 (2) (a).

20           **475.07 Reciprocal license.** Upon application and payment of the fee  
21 specified in s. 440.05 (2), the examining board shall grant a license under this chapter  
22 to a person who holds a similar license or certificate in another state or territory of  
23 the United States if the examining board determines that the requirements for  
24 receiving the license or certificate in the other state or territory are substantially  
25 equivalent to the requirements under s. 475.04.

1           **475.08 Rules.** The examining board shall promulgate rules for each of the  
2 following:

3           **(1)** Approving fields of study for purposes of granting licenses under s. 475.04  
4 (5). The rules shall require the examining board to consider whether the field of  
5 study satisfies nationally recognized standards for preparing students for the  
6 practice of psychotherapy.

7           **(2)** Establishing requirements for a person to satisfy for licensure to practice  
8 psychotherapy as practitioner of a field of study approved by the examining board  
9 under rules promulgated under sub. (1).

10           **(3)** Establishing a code of ethics that governs the practice of psychotherapy by  
11 persons licensed under this chapter.

12           **475.09 Psychometric testing.** A psychotherapist may not conduct  
13 psychometric testing unless he or she satisfies the requirements of the American  
14 Psychological Association for conducting the testing. The examining board shall  
15 promulgate rules for determining whether a psychotherapist satisfies the  
16 requirements.

17           **475.10 Disciplinary proceedings. (1)** Subject to the rules promulgated  
18 under s. 440.03 (1), the examining board may make investigations and conduct  
19 hearings to determine whether a violation of this chapter or any rule promulgated  
20 under this chapter has occurred.

21           **(2)** Subject to the rules promulgated under s. 440.03 (1), the examining board  
22 may reprimand a psychotherapist or deny, limit, suspend or revoke a license under  
23 this chapter if it finds that the applicant or psychotherapist has done any of the  
24 following:

1 (a) Made a material misstatement in an application for a license or for renewal  
2 of a license.

3 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the  
4 circumstances of which substantially relate to the practice of psychotherapy.

5 (c) Advertised in a manner that is false, deceptive or misleading.

6 (d) Advertised, practiced or attempted to practice under another's name.

7 (e) Subject to ss. 111.321, 111.322 and 111.34, practiced psychotherapy while  
8 his or her ability to practice was impaired by alcohol or other drugs.

9 (f) Engaged in unprofessional or unethical conduct in violation of the code of  
10 ethics established in rules promulgated under s. 475.08 (3).

11 (g) Engaged in conduct while practicing psychotherapy that jeopardizes the  
12 health, safety or welfare of a client or that evidences a lack of knowledge of, inability  
13 to apply or the negligent application of, principles or skills of psychotherapy.

14 (h) Engaged in the wilful, unauthorized communication of information that is  
15 received in professional confidence.

16 (i) Accepted a commission, rebate or other form of fee for referring persons to  
17 other professionals.

18 (j) Violated this chapter or any rule promulgated under this chapter.

19 **(3)** The examining board may restore a license that has been suspended or  
20 revoked on such terms and conditions as the examining board may deem  
21 appropriate.

22 **475.11 Penalties.** Any person who violates this chapter or any rule  
23 promulgated under this chapter may be fined not more than \$1,000 for each  
24 violation, imprisoned not more than 6 months, or both.

25 **SECTION 15.** 895.70 (1) (bm) of the statutes is created to read:

1           895.70 (1) (bm) “Psychotherapist” means a person licensed to practice  
2 psychotherapy under ch. 475.

3           **SECTION 16.** 895.70 (1) (e) of the statutes is amended to read:

4           895.70 (1) (e) “Therapist” means a physician, psychologist, psychotherapist,  
5 social worker, marriage and family therapist, professional counselor, nurse,  
6 chemical dependency counselor, member of the clergy or other person, whether or not  
7 licensed or certified by the state, who performs or purports to perform psychotherapy.

8           **SECTION 17.** 905.04 (title) of the statutes is amended to read:

9           **905.04 (title) Physician–patient, registered nurse–patient,**  
10 **chiropractor–patient, psychologist–patient, psychotherapist–patient,**  
11 **social worker–patient, marriage and family therapist–patient and**  
12 **professional counselor–patient privilege.**

13           **SECTION 18.** 905.04 (1) (b) of the statutes is amended to read:

14           905.04 (1) (b) A communication or information is “confidential” if not intended  
15 to be disclosed to 3rd persons other than those present to further the interest of the  
16 patient in the consultation, examination, or interview, or persons reasonably  
17 necessary for the transmission of the communication or information or persons who  
18 are participating in the diagnosis and treatment under the direction of the physician,  
19 registered nurse, chiropractor, psychologist, psychotherapist, social worker,  
20 marriage and family therapist or professional counselor, including the members of  
21 the patient’s family.

22           **SECTION 19.** 905.04 (1) (c) of the statutes is amended to read:

23           905.04 (1) (c) “Patient” means an individual, couple, family or group of  
24 individuals who consults with or is examined or interviewed by a physician,

1 registered nurse, chiropractor, psychologist, psychotherapist, social worker,  
2 marriage and family therapist or professional counselor.

3 **SECTION 20.** 905.04 (1) (em) of the statutes is created to read:

4 905.04 (1) (em) “Psychotherapist” means an individual licensed as a  
5 psychotherapist under ch. 475 or an individual reasonably believed by the patient  
6 to be a psychotherapist.

7 **SECTION 21.** 905.04 (2) of the statutes is amended to read:

8 905.04 (2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to  
9 disclose and to prevent any other person from disclosing confidential  
10 communications made or information obtained or disseminated for purposes of  
11 diagnosis or treatment of the patient’s physical, mental or emotional condition,  
12 among the patient, the patient’s physician, the patient’s registered nurse, the  
13 patient’s chiropractor, the patient’s psychologist, the patient’s psychotherapist, the  
14 patient’s social worker, the patient’s marriage and family therapist, the patient’s  
15 professional counselor or persons, including members of the patient’s family, who are  
16 participating in the diagnosis or treatment under the direction of the physician,  
17 registered nurse, chiropractor, psychologist, psychotherapist, social worker,  
18 marriage and family therapist or professional counselor.

19 **SECTION 22.** 905.04 (3) of the statutes is amended to read:

20 905.04 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the  
21 patient, by the patient’s guardian or conservator, or by the personal representative  
22 of a deceased patient. The person who was the physician, registered nurse,  
23 chiropractor, psychologist, psychotherapist, social worker, marriage and family  
24 therapist or professional counselor may claim the privilege but only on behalf of the  
25 patient. The authority so to do is presumed in the absence of evidence to the contrary.

1           **SECTION 23.** 905.04 (4) (a) of the statutes is amended to read:

2           905.04 (4) (a) *Proceedings for hospitalization, guardianship, protective services*  
3 *or protective placement.* There is no privilege under this rule as to communications  
4 and information relevant to an issue in proceedings to hospitalize the patient for  
5 mental illness, to appoint a guardian under s. 880.33, for court–ordered protective  
6 services or protective placement or for review of guardianship, protective services or  
7 protective placement orders, if the physician, registered nurse, chiropractor,  
8 psychologist, psychotherapist, social worker, marriage and family therapist or  
9 professional counselor in the course of diagnosis or treatment has determined that  
10 the patient is in need of hospitalization, guardianship, protective services or  
11 protective placement.

12           **SECTION 24.** 905.04 (4) (e) 2. of the statutes is amended to read:

13           905.04 (4) (e) 2. There is no privilege in situations where the examination of  
14 an abused or neglected child creates a reasonable ground for an opinion of the  
15 physician, registered nurse, chiropractor, psychologist, psychotherapist, social  
16 worker, marriage and family therapist or professional counselor that the abuse or  
17 neglect was other than accidentally caused or inflicted by another.

18           **SECTION 25.** 905.04 (4) (e) 3. of the statutes is amended to read:

19           905.04 (4) (e) 3. There is no privilege in situations where the examination of  
20 the expectant mother of an abused unborn child creates a reasonable ground for an  
21 opinion of the physician, registered nurse, chiropractor, psychologist,  
22 psychotherapist, social worker, marriage and family therapist or professional  
23 counselor that the physical injury inflicted on the unborn child was caused by the  
24 habitual lack of self–control of the expectant mother of the unborn child in the use

1 of alcohol beverages, controlled substances or controlled substance analogs,  
2 exhibited to a severe degree.

3 **SECTION 26.** 940.22 (1) (cm) of the statutes is created to read:

4 940.22 (1) (cm) “Psychotherapist” means a person licensed to practice  
5 psychotherapy under ch. 475.

6 **SECTION 27.** 940.22 (1) (i) of the statutes is amended to read:

7 940.22 (1) (i) “Therapist” means a physician, psychologist, psychotherapist,  
8 social worker, marriage and family therapist, professional counselor, nurse,  
9 chemical dependency counselor, member of the clergy or other person, whether or not  
10 licensed or certified by the state, who performs or purports to perform psychotherapy.

11 **SECTION 28. Nonstatutory provisions.**

12 (1) DEFINITIONS. In this section, “examining board” means the psychotherapy  
13 examining board.

14 (2) INITIAL APPOINTMENTS. Notwithstanding section 15.405 (18) (intro.) of the  
15 statutes, as created by this act, the initial members of the psychotherapy examining  
16 board shall be appointed by the first day of the 3rd month beginning after the  
17 effective date of this subsection for the following terms:

18 (a) One independent clinical social worker member and one public member, for  
19 terms expiring on July 1, 2002.

20 (b) One marriage and family therapist member, for a term expiring on July 1,  
21 2003.

22 (c) One professional counselor member and one public member, for terms  
23 expiring on July 1, 2004.

24 (3) WAIVER OF LICENSURE REQUIREMENTS. Notwithstanding section 475.04 of the  
25 statutes, as created by this act, the examining board shall grant a license to practice

1 psychotherapy as a clinical social worker, clinical marriage and family therapist or  
2 clinical professional counselor to a person who, no later than the first day of the 6th  
3 month beginning after the effective date of this subsection, submits evidence  
4 satisfactory to the examining board that he or she holds a valid independent clinical  
5 social worker certificate, marriage and family therapist certificate or professional  
6 counselor certificate granted under chapter 457 of the statutes.

7 **SECTION 29. Effective dates.** This act takes effect on the first day of the 6th  
8 month beginning after publication, except as follows:

9 (1) SECTION (28) (2) of this act takes effect on the day after publication.

10 (END)