

2019 DRAFTING REQUEST**Bill**

For: **Paul Tittl (608) 266-0315** Drafter: **mduchek**
 By: **Steve McCarthy** Secondary Drafters:
 Date: **9/3/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Tittl@legis.wisconsin.gov**
 Carbon copy (CC) to: **Rachel.Snyder@legis.wisconsin.gov**
Steven.mcCarthy@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Psychology interim license

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 9/3/2019	anienaja 9/4/2019			
/P1	mduchek 9/23/2019	anienaja 9/23/2019	lparisi 9/4/2019		State
/P2			dwalker 9/23/2019		State
/1	mduchek 9/24/2019		mbarman 9/24/2019	dwalker 10/3/2019	State

FE Sent For:

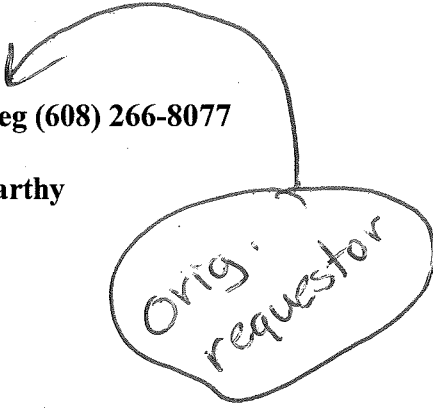
At Intro

<END>

2019 DRAFTING REQUEST

Bill

For: **Joan Ballweg (608) 266-8077** Drafter: **mduchek**
 By: **Steve McCarthy** Secondary Drafters:
 Date: **9/3/2019** May Contact:
 Same as LRB:



Submit via email: **YES**
 Requester's email: **Rep.Ballweg@legis.wisconsin.gov**
 Carbon copy (CC) to: **Rachel.Snyder@legis.wisconsin.gov**
Steven.mcCarthy@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Psychology interim license

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 9/3/2019	anienaja 9/4/2019			
/P1	mduchek 9/23/2019	anienaja 9/23/2019	lparisi 9/4/2019		State
/P2			dwalker 9/23/2019		State

FE Sent For: **<END>**

Duchek, Michael

From: McCarthy, Steven
Sent: Friday, August 30, 2019 11:36 AM
To: Duchek, Michael
Cc: Anderson, Bethany; Snyder, Rachel
Subject: Preliminary bill draft request

Hi Mike,

Can you please draft a preliminary draft for Rep. Ballweg that takes the parts of SB 370 (LRB-4024/1) relating to interim licensure and creates a standalone bill? It looks to me that there are two substantive provisions that would make up this p draft:

- 455.04 (2) of the statutes is created to read: Subject to s. 455.09, the examining board shall grant an interim psychologist license to an individual who submits an application for the license, pays the fee specified under s. 440.05 (6), and satisfies the requirements for a license under sub. (1) (a) to (f), other than the requirement under sub. (1) (dm). An individual licensed under this subsection may provide psychological services only under the supervision of qualified supervisors, as determined by the examining board.
- A license issued under s. 455.04 (2) is valid for 2 years or until the individual obtains a license under s. 455.04 (1) and may not be renewed, except that the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license issued under s. 455.04 (2) is not required to complete continuing education.

Please number and organize these provisions as you see fit. The second bullet point is part of a repeal and recreate of a different section under SB 370, so please feel free either to number that provision somewhere in the current renewal statute or just to include it in the same subsection as the first bullet point.

Please include my colleague Rachel Snyder and me on your list of those that receive a copy of the /P1. Thanks!



Steve McCarthy

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State of Wisconsin
2019 - 2020 LEGISLATURE

In 9-3-19
Oct 9-6-19

4167/P1

LRB-4024/1
MED:amn

2019 SENATE BILL 378

August 29, 2019 - Introduced by Senators DARLING, BERNIER, JACQUE, LARSON and STROEBEL, cosponsored by Representatives TITTL, KITCHENS, BORN, BOWEN, BROSTOFF, CROWLEY, DITTRICH, JAGLER, KULP, NEYLON, NOVAK, OTT, QUINN, ROHRKASTE, SKOWRONSKI, TRANEL, VANDERMEER, VRUWINK and ZIMMERMAN. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

SA ✓
XPF ✓
Pwj ✓

Regen

1 AN ACT to repeal 455.01 (4), 455.01 (7), 455.02 (2m) (h), 455.02 (3m) (title),
2 455.045 (2), 455.065 (3), 455.07, 455.08 and 455.10; to renumber and amend
3 455.02 (1m) and 455.02 (3m); to amend 15.405 (10m), 48.375 (2) (c), 48.375 (4)
4 (b) 1m., 49.45 (30f), 50.06 (4), 50.94 (8), 51.30 (1) (b), 54.01 (27), 155.05 (2),
5 440.08 (2) (a) (intro.), 440.88 (3m), 455.01 (3m), 455.02 (1m) (title), 455.02 (2m)
6 (d), 455.02 (2m) (m), 455.03, 455.04 (title), 455.04 (1) (intro.), 455.04 (1) (b),
7 455.04 (1) (c), 455.04 (1) (e), 455.04 (3), 455.04 (5), 455.045 (1), 455.065 (1),
8 455.065 (4), 455.065 (5), 455.09 (1) (intro.), 455.09 (1) (b), 455.09 (1) (g), 455.09
9 (3) and 905.04 (1) (e); to repeal and recreate 455.01 (5), 455.01 (6), 455.02
10 (2m) (f), 455.02 (2m) (k), 455.04 (1) (d), 455.04 (4), 455.045 (3), 455.06 and
11 455.09 (title); and to create 455.02 (2m) (o) to (s), 455.025, 455.04 (1) (dm),
12 455.04 (2), 455.065 (6) and (7), 455.09 (1) (i), 455.09 (1) (j), 455.09 (4) and
13 455.095 of the statutes; relating to: the practice of psychology, extending the
14 time limit for emergency rule procedures, providing an exemption from

to an interim psychologist license.

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1 emergency rule procedures, granting rule-making authority, and requiring the
2 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the practice of psychology without being licensed as a psychologist by the Psychology Examining Board. This bill makes various revisions to the laws governing the board and the practice of psychology. Significant changes are described as follows:

Psychology Examining Board; composition

Under current law, the board is required to be composed of six members, including four licensed psychologists and two public members. Current law requires that each psychologist member represent a different specialty area within the field of psychology.

The bill eliminates the requirement that each psychologist member represent a different specialty area within the field of psychology and instead simply requires that the governor, to the extent possible, nominate psychologists to the board who represent different specialty areas within the field of psychology.

Private practice school psychologists

Under current law, no person may engage in the private practice of school psychology without a private practice school psychologist license.

The bill allows private practice school psychologists who are licensed under current law to continue to renew their licenses and engage in the private practice of school psychology. However, the bill otherwise discontinues the licensure of private practice school psychologists. The bill continues to allow the practice of school psychology in school settings without a license issued by the board by individuals credentialed by the Department of Public Instruction.

Psychology; scope of practice and licensure requirements

1. The bill revises the definition of the "practice of psychology" for purposes of the requirement that an individual obtain a psychologist license in order to engage in that practice. The bill also revises various provisions that exempt certain types of individuals from the licensure requirement and adds a number of additional exemptions.

2. The bill revises the licensure requirements that must be satisfied in order to be granted a psychologist license by the board. The changes include eliminating a prohibition on the board promulgating rules to require an internship.

3. The bill eliminates the ability of the board to deny a license based on an applicant's arrest record.

Interim license

The bill requires the board to issue an interim psychologist license to an applicant who satisfies all of the requirements for a psychologist license, other than the postdoctoral supervised experience requirement. An interim license is valid for two years or until the individual obtains a permanent license, subject to a hardship

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exemption prescribed by the board by rule that could allow renewals beyond two years.

Continuing education

The bill makes various changes concerning continuing education for psychologists, including requiring licensees to maintain records of compliance with continuing education requirements for at least six years.

Various other changes

The bill makes various other changes to the laws governing the practice of psychology, including:

1. Allowing the board to require a licensee or applicant to submit to a psychological examination when there is reasonable cause to believe that the individual is physically or mentally incapable of engaging in the practice of psychology with reasonable skill such that he or she may endanger the safety of patients or clients.

2. Various revisions to the laws governing professional discipline of psychologists, including specifically allowing the board to take disciplinary action against a licensee who practices outside the scope of his or her training, experience, or education without appropriate supervision.

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:

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SECTION 1. 15.405 (10m) of the statutes is amended to read:

15.405 (10m) PSYCHOLOGY EXAMINING BOARD. There is created in the department of safety and professional services a psychology examining board consisting of 6 members appointed for staggered 4-year terms. Four of the members shall be psychologists licensed in this state. Each of the psychologist members shall represent a different specialty area within the field of psychology. Two members shall be public members. The governor shall, to the extent possible, nominate psychologists to the board who represent different specialty areas within the field of psychology.

SECTION 2. 48.375 (2) (c) of the statutes is amended to read:

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1 48.375 (2) (c) "Counselor" means a physician including a physician specializing
2 in psychiatry, a licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch.
3 455, or an ordained member of the clergy. "Counselor" does not include any person
4 who is employed by or otherwise affiliated with a reproductive health care facility,
5 a family planning clinic, or a family planning agency; any person affiliated with the
6 performance of abortions, except abortions performed to save the life of the mother;
7 or any person who may profit from giving advice to seek an abortion.

8 **SECTION 3.** 48.375 (4) (b) 1m. of the statutes is amended to read:

9 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed
10 psychologist, ~~as defined in s. 455.01 (4)~~, licensed under ch. 455 states in writing that
11 the physician or psychologist believes, to the best of his or her professional judgment
12 based on the facts of the case before him or her, that the minor is likely to commit
13 suicide rather than file a petition under s. 48.257 or approach her parent, or guardian
14 or legal custodian, if one has been appointed, or an adult family member of the minor,
15 or one of the minor's foster parents, if the minor has been placed in a foster home and
16 the minor's parent has signed a waiver granting the department, a county
17 department, or the foster parent the authority to consent to medical services or
18 treatment on behalf of the minor, for consent.

19 **SECTION 4.** 49.45 (30f) of the statutes is amended to read:

20 49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
21 department shall include licensed mental health professionals, as defined in s.
22 632.89 (1) (dm), and licensed psychologists, ~~as defined in s. 455.01 (4)~~ licensed under
23 ch. 455, as providers of psychotherapy and of alcohol and other drug abuse services.
24 Except for services provided under sub. (30e), the department may not require that
25 licensed mental health professionals or licensed psychologists be supervised; may

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1 not require that clinical psychotherapy or alcohol and other drug abuse services be
2 provided under a certified program; and, notwithstanding subs. (9) and (9m), may
3 not require that a physician or other health care provider first prescribe
4 psychotherapy or alcohol and other drug abuse services to be provided by a licensed
5 mental health professional or licensed psychologist before the professional or
6 psychologist may provide the services to the recipient. This subsection does not
7 affect the department's powers under ch. 50 or 51 to establish requirements for
8 facilities that are licensed, certified, or operated by the department.

9 **SECTION 5.** 50.06 (4) of the statutes is amended to read:

10 50.06 (4) A determination that an individual is incapacitated for purposes of
11 sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician
12 and one licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
13 personally examine the individual and sign a statement specifying that the
14 individual is incapacitated. Mere old age, eccentricity, or physical disability, either
15 singly or together, are insufficient to make a finding that an individual is
16 incapacitated. Neither of the individuals who make a finding that an individual is
17 incapacitated may be a relative, as defined in s. 242.01 (11), of the individual or have
18 knowledge that he or she is entitled to or has a claim on any portion of the individual's
19 estate. A copy of the statement shall be included in the individual's records in the
20 facility to which he or she is admitted.

21 **SECTION 6.** 50.94 (8) of the statutes is amended to read:

22 50.94 (8) A determination that a person is incapacitated may be made only by
23 2 physicians or by one physician and one ~~licensed psychologist, as defined in s. 455.01~~
24 ~~(4)~~, licensed under ch. 455 who personally examine the person and sign a statement
25 specifying that the person is incapacitated. Mere old age, eccentricity, or physical

SENATE BILL 378**SECTION 6**

1 disabilities, singly or together, are insufficient to determine that a person is
2 incapacitated. Whoever determines that the person is incapacitated may not be a
3 relative, as defined in s. 242.01 (11), of the person or have knowledge that he or she
4 is entitled to or has claim on any portion of the person's estate. A copy of the
5 statement shall be included in the records of the incapacitated person in the hospice
6 to which he or she is admitted.

7 **SECTION 7.** 51.30 (1) (b) of the statutes is amended to read:

8 51.30 (1) (b) "Treatment records" include the registration and all other records
9 that are created in the course of providing services to individuals for mental illness,
10 developmental disabilities, alcoholism, or drug dependence and that are maintained
11 by the department; by county departments under s. 51.42 or 51.437 and their staffs;
12 by treatment facilities; or by psychologists licensed under s. 455.04 (1) or (2) or
13 licensed mental health professionals who are not affiliated with a county department
14 or treatment facility. Treatment records do not include notes or records maintained
15 for personal use by an individual providing treatment services for the department,
16 a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or
17 records are not available to others.

18 **SECTION 8.** 54.01 (27) of the statutes is amended to read:

19 54.01 (27) "Psychologist" means a licensed psychologist, as defined in s. 455.01
20 (4) licensed under ch. 455.

21 **SECTION 9.** 155.05 (2) of the statutes is amended to read:

22 155.05 (2) Unless otherwise specified in the power of attorney for health care
23 instrument, an individual's power of attorney for health care takes effect upon a
24 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and
25 one ~~licensed~~ psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who

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1 personally examine the principal and sign a statement specifying that the principal
2 has incapacity. Mere old age, eccentricity, or physical disability, either singly or
3 together, are insufficient to make a finding of incapacity. Neither of the individuals
4 who make a finding of incapacity may be a relative of the principal or have knowledge
5 that he or she is entitled to or has a claim on any portion of the principal's estate.
6 A copy of the statement, if made, shall be appended to the power of attorney for health
7 care instrument.

8 **SECTION 10.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

9 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
10 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10,
11 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
12 follows:

13 **SECTION 11.** 440.88 (3m) of the statutes is amended to read:

14 440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined
15 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), a licensed
16 psychologist, ~~as defined in s. 455.01 (4)~~ licensed under s. 455.04 (1) or (2), a marriage
17 and family therapist, as defined in s. 457.01 (3), or a professional counselor, as
18 defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or
19 provides substance abuse counseling, treatment, or prevention services within the
20 scope of his or her licensure.

21 **SECTION 12.** 455.01 (3m) of the statutes is amended to read:

22 455.01 (3m) ~~"Fee"~~ "Fee," when used other than in reference to a fee for a
23 credential, means direct or indirect payment or compensation, monetary or
24 otherwise, including the expectation of payment or compensation whether or not
25 actually received.

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SECTION 13

plus 8-1

SECTION 13. 455.01 (4) of the statutes is repealed.

SECTION 14. 455.01 (5) of the statutes is repealed and recreated to read:

455.01 (5) (a) "Practice of psychology" means the observation, description, evaluation, interpretation, prediction, or modification of human behavior by the application of psychological principles, methods, or procedures for any of the following purposes, in exchange for a fee:

1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior and promoting adaptive health maintaining behavior or psychological functioning.

2. Evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness.

3. Assisting in legal decision making.

(b) "Practice of psychology" includes all of the following if done in exchange for a fee:

1. Psychological testing and the evaluation or assessment of a person's characteristics, including intelligence; personality; cognitive, physical, or emotional abilities; skills; interests; aptitudes; or neuropsychological functioning.

2. Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior therapy, and applied behavior analysis.

3. The diagnosis, treatment, or management of mental and emotional disorders or disabilities, substance use disorders, disorders of habit or conduct, and the psychological aspects of physical illnesses, accidents, injuries, or disabilities.

4. Psychoeducational evaluation, therapy, or remediation.

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1 5. Consultation with other psychologists, physicians, or other health care
2 professionals and with a patient regarding all available treatment options with
3 respect to the provision of care for a specific patient or client.

4 6. The provision of direct services to individuals or groups for the purposes of
5 enhancing individual or organizational effectiveness, using psychological principles,
6 methods, or procedures.

7 7. The supervision of anything specified in subds. 1. to 6.

8 **SECTION 15.** 455.01 (6) of the statutes is repealed and recreated to read:

9 455.01 (6) "Psychotherapy" means the diagnosis and treatment of mental,
10 emotional, or behavioral disorders, conditions, or addictions through the application
11 of methods derived from established psychological or systemic principles, including
12 for the purpose of assisting individuals with modifying their behaviors, cognitions,
13 emotions, or personality characteristics, or for the purpose of understanding
14 unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

15 **SECTION 16.** 455.01 (7) of the statutes is repealed.

16 **SECTION 17.** 455.02 (1m) (title) of the statutes is amended to read:

17 455.02 (1m) (title) LICENSE REQUIRED TO PRACTICE.

18 **SECTION 18.** 455.02 (1m) of the statutes is renumbered 455.02 (1m) (a) and
19 amended to read:

20 455.02 (1m) (a) Except as provided in ~~s. sub. (2m)~~ and ss. 257.03 and 455.03,
21 no person may engage in the practice of psychology ~~or the private practice of school~~
22 ~~psychology~~, or attempt to do so or make a representation as authorized to do so,
23 without a license issued by the examining board.

24 **SECTION 19.** 455.02 (2m) (d) of the statutes is amended to read:

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SECTION 19

1 455.02 (2m) (d) A person employed in a position as a psychologist or
2 psychological assistant by an a regionally accredited college, junior college or
3 ~~university or other academic or research~~ higher educational institution, if the person
4 is performing activities that are a part of the duties for which he or she is employed,
5 is performing those activities solely within the confines of or under the jurisdictions
6 of the institution in which he or she is employed, and does not render or offer to
7 render psychological services to the public for a fee over and above the salary that
8 he or she receives for the performance of the official duties with the institution with
9 which he or she is employed. An individual acting under this paragraph may,
10 ~~without obtaining a license under s. 455.04 (1) or (4), disseminate research findings~~
11 ~~and scientific information to others, such as accredited academic institutions or~~
12 ~~governmental agencies, or may offer lecture services for a fee.~~ teach the practice of
13 psychology, conduct psychological research, present lectures on the practice of
14 psychology, perform any consultation required by his or her academic or research
15 functions, or provide expert testimony in court related to his or her field of expertise.
16 A person employed in a position under this paragraph may utilize or represent
17 himself or herself by the academic or research title conferred upon him or her by the
18 administration of the laboratory, school, college, or university or use the title
19 “psychology professor” or “academic psychologist.”

20 **SECTION 20.** 455.02 (2m) (f) of the statutes is repealed and recreated to read:

21 455.02 (2m) (f) A person providing psychological services as part of a
22 psychology training program, if his or her activities and services constitute a part of
23 the supervised course of study and are performed under the supervision of a
24 psychologist licensed under this chapter and the person does not provide or offer to
25 provide psychological services to the public for a fee over and above any salary that

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1 he or she may receive for the performance of the official duties with the employing
2 agency or organization. A person providing services under this paragraph may use
3 the title "psychology student," "psychology intern," or "psychology resident."

4 **SECTION 21.** 455.02 (2m) (h) of the statutes is repealed.

5 **SECTION 22.** 455.02 (2m) (k) of the statutes is repealed and recreated to read:

6 455.02 **(2m)** (k) A person not trained as a psychologist whose activities are
7 limited to educational or vocational counseling or testing that is performed in a
8 human resources, personnel, or educational setting.

9 **SECTION 23.** 455.02 (2m) (m) of the statutes is amended to read:

10 455.02 **(2m)** (m) A person providing psychological services as an employee of
11 a federal, ~~state or local~~ governmental agency, if the person is providing the
12 psychological services as a part of the duties for which he or she is employed, is
13 providing the psychological services solely within the confines of or under the
14 jurisdiction of the agency by which he or she is employed, and does not provide or offer
15 to provide psychological services to the public for a fee over and above the salary that
16 he or she receives for the performance of the official duties with the agency by which
17 he or she is employed.

18 **SECTION 24.** 455.02 (2m) (o) to (s) of the statutes are created to read:

19 455.02 **(2m)** (o) A person providing psychological services as an employee of a
20 state or local governmental agency, if the person is providing the psychological
21 services as a part of the duties for which he or she is employed, is providing the
22 psychological services solely within the confines of or under the jurisdiction of the
23 agency by which he or she is employed, does not provide or offer to provide
24 psychological services to the public for a fee over and above the salary that he or she
25 receives for the performance of the official duties with the agency by which he or she

SENATE BILL 378**SECTION 24**

1 is employed, and has received a master's degree in psychology from a regionally
2 accredited higher educational institution or has fulfilled requirements
3 commensurate with a master's degree, as determined by the examining board. The
4 examining board may promulgate rules to further establish requirements for
5 exemptions under this paragraph for persons who do not hold a master's degree in
6 psychology. A person providing services under this paragraph may use the title
7 "psychological associate."

8 (p) A person providing psychological services under the supervision of a
9 psychologist licensed under this chapter as part of a formal psychology fellowship
10 program that meets the program standards of the Association of Psychology
11 Postdoctoral and Internship Centers or its successor organization. A person
12 providing services under this paragraph may use the title "psychology fellow."

13 (q) A person whose activities are limited to testifying in a court in this state
14 regarding services rendered in another state.

15 (r) A person engaging in the private practice of school psychology who holds a
16 valid private practice school psychologist license issued under s. 455.04 (4), 2017
17 stats. A person acting under this paragraph may use the title "private practice school
18 psychologist."

19 (s) A person who holds a doctoral degree in psychology but does not engage in
20 the practice of psychology. A person described in this paragraph may use the title
21 "psychologist" or "doctor of psychology."

22 **SECTION 25.** 455.02 (3m) (title) of the statutes is repealed.

23 **SECTION 26.** 455.02 (3m) of the statutes is renumbered 455.02 (1m) (b) and
24 amended to read:

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1 455.02 ^(3m)~~(1m)~~ ^(b) Except as provided in ~~s. sub. (2m) and ss. 257.03 and 455.03,~~
2 only an individual licensed under s. 455.04 (1) or (2) may use the title "psychologist"
3 or any similar title or state or imply that he or she is licensed to practice psychology;
4 and only an individual licensed under s. 455.04 (4) may use the title "private practice
5 school psychologist" or any similar title or state or imply that he or she is licensed
6 to engage in the private practice of school psychology. Except as provided in ~~s. sub.~~
7 ~~(2m) and ss. 257.03 and 455.03,~~ only an individual licensed under s. 455.04 (1) ⁽²⁾ or (4)
8 or (2) may represent himself or herself to the public by any description of services
9 incorporating the word "psychological" or "psychology".

10 SECTION 27. 455.025 of the statutes is created to read:

11 455.025 Practice of medicine and surgery. Nothing in this chapter shall
12 be construed to authorize a psychologist to engage in the practice of medicine and
13 surgery.

14 SECTION 28. 455.03 of the statutes is amended to read:

15 455.03 Temporary practice. A psychologist who is licensed or certified by
16 a similar examining board of another state or territory of the United States ~~or of a~~
17 ~~foreign country or a Canadian province whose standards, in the opinion of the~~
18 ~~examining board, are equivalent to or higher than the requirements for licensure as~~
19 ~~a psychologist in s. 455.04 (1) may offer provide psychological services as a~~
20 ~~psychologist in this state for on not more than 60 working days in any year without~~
21 holding a license issued under s. 455.04 (1). The psychologist shall report to the
22 examining board the nature and extent of his or her practice in this state if it exceeds
23 20 working days within a year. A psychologist provides psychological services in this
24 state for purposes of this section whenever the patient or client is located in this
25 state, regardless of whether the psychologist is temporarily located in this state or

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SECTION 28

1 is providing services by electronic or telephonic means from the state or province
2 where the psychologist is licensed. In this section, "day" means any part of a day
3 during which psychological services are rendered.

4 **SECTION 29.** 455.04 (title) of the statutes is amended to read:

5 **455.04 (title) Licensure of psychologists and private practice school**
6 **psychologists.**

7 **SECTION 30.** 455.04 (1) (intro.) of the statutes is amended to read:

8 455.04 (1) (intro.) The department Subject to s. 455.09, the examining board
9 shall issue grant a psychologist license to an individual who submits an application
10 for the license to the department on a form provided by the department, pays the fee
11 specified in s. 440.05 (1) or, if sub. (3) applies, the fee specified in s. 440.05 (2)
12 determined by the department under s. 440.03 (9), and is found by the examining
13 board to meet satisfies all of the following requirements:

14 **SECTION 31.** 455.04 (1) (b) of the statutes is amended to read:

15 455.04 (1) (b) Subject to ss. 111.321, 111.322, and 111.335, not have an arrest
16 or a conviction record.

17 **SECTION 32.** 455.04 (1) (c) of the statutes is amended to read:

18 455.04 (1) (c) Hold a doctoral degree in psychology from a college or university
19 accredited by a regional accrediting agency approved by the state board of education
20 in the state in which the college or university is located program accredited by the
21 American Psychological Association or the Canadian Psychological Association, or
22 have had other academic training or specialized experience, which in the opinion of
23 that the examining board is determines to be substantially equivalent thereto based
24 upon standards established by rule. The examining board may require examinations
25 to determine the equivalence of such training and experience and may also require

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1 examinations for individuals holding doctoral degrees in psychology from
2 non-American universities.

3 SECTION 33. 455.04 (1) (d) of the statutes is repealed and recreated to read:

4 455.04 (1) (d) Complete any predoctoral supervised experience requirements
5 established by the examining board by rule.

6 SECTION 34. 455.04 (1) (dm) of the statutes is created to read:

7 455.04 (1) (dm) Complete any postdoctoral supervised experience
8 requirements established by the examining board by rule.

9 SECTION 35. 455.04 (1) (e) of the statutes is amended to read:

10 455.04 (1) (e) Pass the examination under s. 455.045 (1) (a). This paragraph
11 does not apply to an applicant who is licensed as a psychologist in another state if
12 the applicant submits proof of completion of continuing educational programs or
13 courses approved under s. 455.065 (4) for the minimum number of hours required in
14 the rules promulgated under s. 455.065 (3).

15 SECTION 36. 455.04 (2) of the statutes is created to read:

16 455.04 (2) ^{The} (Subject to s. 455.09, the examining board shall grant an interim
17 psychologist license to an individual who submits an application for the license, pays
18 the fee specified under s. 440.05 (6), and satisfies the requirements for a license
19 under sub. (1) (a) to (f), other than the requirement under sub. (1) (dm). An individual
20 licensed under this subsection may provide psychological services only under the
21 supervision of qualified supervisors, as determined by the examining board.

22 SECTION 37. 455.04 (3) of the statutes is amended to read:

23 455.04 (3) The examining board may waive the requirements of sub. (1) (c) and
24 (d) to (e) if ~~a candidate holds a diploma of the American board of examiners in~~
25 ~~professional psychology, or an applicant holds a certificate or license of an examining~~

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1 board of some other state or territory ~~or foreign country~~ or a Canadian province, if
2 the standards of such other examining board are deemed by the members of this
3 examining board to be substantially equivalent to the standards of this state and like
4 reciprocity is extended to holders of licenses issued by this state.

5 **SECTION 38.** 455.04 (4) of the statutes is repealed and recreated to read:

6 455.04 (4) An individual who, on the day before the effective date of this
7 subsection [LRB inserts date], held a valid private practice school psychologist
8 license under s. 455.04 (4), 2017 stats., may continue to renew that license as
9 provided in s. 455.06. The examining board may not grant any initial private
10 practice school psychologist license based on an application received on or after the
11 effective date of this subsection [LRB inserts date].

12 **SECTION 39.** 455.04 (5) of the statutes is amended to read:

13 455.04 (5) Applicants for licensure under ~~subs. (1) and (4)~~ this section may be
14 required to appear before the examining board in person prior to licensure to allow
15 the examining board to make such inquiry of them as to qualifications and other
16 matters as it considers proper.

17 **SECTION 40.** 455.045 (1) of the statutes is amended to read:

18 455.045 (1) ~~The examining board shall administer~~ In order to qualify for a
19 psychologist license under s. 455.04 (1) or (2), an applicant must have passed all of
20 the following examinations for psychologist licensure at least semiannually at times
21 and places determined by the examining board:

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

23 (b) A written examination ~~in the elements of practice essential to the public~~
24 health, safety or welfare on state law related to the practice of psychology.

25 **SECTION 41.** 455.045 (2) of the statutes is repealed.

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1 **SECTION 42.** 455.045 (3) of the statutes is repealed and recreated to read:

2 455.045 (3) The examining board shall set passing scores for examinations
3 under sub. (1) (a) or (b). The examining board may adopt passing scores
4 recommended by test developers.

5 **SECTION 43.** 455.06 of the statutes is repealed and recreated to read:

6 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
7 licenses issued under this chapter or under s. 455.04 (4), 2017 stats., are specified
8 under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the
9 department under s. 440.03 (9) (a).

10 (b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual
11 obtains a license under s. 455.04 (1) and may not be renewed, except that the
12 examining board may promulgate rules specifying circumstances in which the
13 examining board, in cases of hardship, may allow an individual to renew a license
14 issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license
15 issued under s. 455.04 (2) is not required to complete continuing education.

16 (2) An applicant for renewal of a license issued under this chapter or under s.
17 455.04 (4), 2017 stats., shall include with his or her application proof in the form
18 specified by the examining board that he or she has completed the hours of
19 continuing education required under s. 455.065.

20 **SECTION 44.** 455.065 (1) of the statutes is amended to read:

21 455.065 (1) Promulgate rules establishing the minimum number of hours of
22 continuing education, the topic areas that the continuing education must cover, the
23 criteria for the approval of continuing education programs and courses required for
24 renewal of a license, and the criteria for the approval of the sponsors and cosponsors
25 of those continuing education programs and courses. The examining board may

SENATE BILL 378**SECTION 44**

1 establish criteria for the substitution of hours of professional activities to meet
2 continuing education requirements. A licensee shall retain for a minimum period of
3 6 years and shall make available to the examining board or its agent upon request
4 proof that the licensee completed the required continuing education.

5 **SECTION 45.** 455.065 (3) of the statutes is repealed.

6 **SECTION 46.** 455.065 (4) of the statutes is amended to read:

7 455.065 (4) Approve continuing education programs and courses in accordance
8 with the criteria established under ~~subs.~~ sub. (1) and (3).

9 **SECTION 47.** 455.065 (5) of the statutes is amended to read:

10 455.065 (5) Promulgate rules establishing the criteria for the substitution of
11 uncompensated hours of professional assistance volunteered to the department of
12 health services for some or all hours of continuing education credits required under
13 ~~subs.~~ sub. (1) and (3). The eligible substitution hours shall involve professional
14 evaluation of community programs for the certification and recertification of
15 community mental health programs, as defined in s. 51.01 (3n), by the department
16 of health services.

17 **SECTION 48.** 455.065 (6) and (7) of the statutes are created to read:

18 455.065 (6) Grant a postponement of or waiver from the continuing education
19 requirements under this section based upon the grounds of prolonged illness or
20 disability or on other grounds constituting extreme hardship. The examining board
21 shall consider each application individually on its merits, and the examining board
22 may grant a postponement, partial waiver, or total waiver of the requirement as the
23 examining board deems appropriate.

24 (7) Grant an exemption from the continuing education requirements under
25 this section to a psychologist who certifies to the examining board that he or she has

SENATE BILL 378

1 permanently retired from the practice of psychology. A psychologist who has been
2 granted an exemption under this subsection may not return to active practice
3 without submitting evidence satisfactory to the examining board of having
4 completed the required continuing education credits within the 2-year period prior
5 to the return to the practice of psychology.

6 SECTION 49. 455.07 of the statutes is repealed.

7 SECTION 50. 455.08 of the statutes is repealed.

8 SECTION 51. 455.09 (title) of the statutes is repealed and recreated to read:

9 455.09 (title) **Disciplinary proceedings and actions.**

10 SECTION 52. 455.09 (1) (intro.) of the statutes is amended to read:

11 455.09 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 examining board may deny an application for a license, or may ~~by order~~ suspend for
13 ~~a period not exceeding one year, limit, or~~ revoke ~~or impose probationary conditions~~
14 ~~upon~~ a license or reprimand a licensee if the applicant or licensee:

15 SECTION 53. 455.09 (1) (b) of the statutes is amended to read:

16 455.09 (1) (b) Subject to ss. 111.321, 111.322, and 111.34, engaged ~~engages~~ in
17 the practice of psychology or the private practice of school psychology while his or her
18 ability to practice was is impaired by alcohol or other drugs or while otherwise having
19 a mental or physical impairment. In this paragraph, "mental or physical
20 impairment" means a mental or physical impairment that would limit or eliminate
21 a licensee's ability to engage in the practice of psychology at the minimum level
22 required to competently discharge his or her tasks or duties and to protect the public
23 interest while so doing.

24 SECTION 54. 455.09 (1) (g) of the statutes is amended to read:

SENATE BILL 378

SECTION 54

1 455.09 (1) (g) Violates this chapter or any rule of professional conduct
2 promulgated under this chapter.

3 **SECTION 55.** 455.09 (1) (i) of the statutes is created to read:

4 455.09 (1) (i) Refuses to submit to an examination under s. 455.095, or is found
5 to be physically or mentally incapable of engaging in the practice of psychology under
6 s. 455.095.

7 **SECTION 56.** 455.09 (1) (j) of the statutes is created to read:

8 455.09 (1) (j) Practices outside the scope of his or her training, experience, or
9 education without appropriate supervision.

10 **SECTION 57.** 455.09 (3) of the statutes is amended to read:

11 455.09 (3) A revoked license may not be renewed. ~~One year from the date of~~
12 ~~revocation~~ An individual may, no sooner than one year after the date of revocation,
13 apply for reinstatement of a license under this chapter, ~~application may be made for~~
14 ~~reinstatement.~~ The examining board may accept or reject an application for
15 reinstatement. If reinstatement is granted under this subsection, the licensee shall
16 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does
17 not apply to a license that is revoked under s. 440.12.

18 **SECTION 58.** 455.09 (4) of the statutes is created to read:

19 455.09 (4) The examining board may conduct an audit on any licensee under
20 investigation by the examining board for compliance with continuing education
21 requirements under s. 455.065.

22 **SECTION 59.** 455.095 of the statutes is created to read:

23 **455.095 Determination of mental or physical impairment.** (1) When
24 there is reasonable cause to believe that an individual licensed under this chapter
25 or applicant for a license under this chapter is physically or mentally incapable of

SENATE BILL 378

1 engaging in the practice of psychology with reasonable skill such that the applicant
2 or licensee may endanger the safety of patients or clients, the examining board may
3 require the licensee or applicant in question to submit to a psychological examination
4 by a psychologist designated by the examining board to determine psychological
5 functioning to practice or a physical examination by a physician designated by the
6 examining board to determine physical functioning to practice.

7 (2) The examining board shall consider the findings and conclusions of an
8 examination under sub. (1) and any other evidence or material submitted to the
9 examining board by the licensee or applicant in question or any other individual and
10 shall determine if the licensee or applicant is physically or mentally incapable of
11 engaging in the practice of psychology with reasonable skill such that the applicant
12 or licensee may endanger the safety of patients or clients.

13 **SECTION 60.** 455.10 of the statutes is repealed.

14 **SECTION 61.** 905.04 (1) (e) of the statutes is amended to read:

15 905.04 (1) (e) "Psychologist" means a licensed psychologist, ~~as that term is~~
16 ~~defined in s. 455.01 (4)~~ licensed under ch. 455, or a person reasonably believed by the
17 patient to be a psychologist.

18 **SECTION 62. Nonstatutory provisions.**

19 (1) EMERGENCY RULE AUTHORITY. Using the procedure under s. 227.24, the
20 psychology examining board may promulgate rules under ch. 455 that are necessary
21 to implement the changes in this act. Notwithstanding s. 227.24 (1) (a) and (3), the
22 board is not required to provide evidence that promulgating a rule under this
23 subsection as an emergency rule is necessary for the preservation of the public peace,
24 health, safety, or welfare and is not required to provide a finding of emergency for a
25 rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2),

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1 the effective period of a rule promulgated under this subsection is for 2 years after
2 its promulgation, or until permanent rules take effect, whichever is sooner, and the
3 effective period may not be further extended under s. 227.24 (2).

4 **SECTION 63. Effective dates.** This act takes effect on the first day of the 3rd
5 month beginning after publication, except as follows:

6 (1) SECTION 62 (1) of this act takes effect on the day after publication.

7 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4167/Plins
MED:...

INSERT 8-1

- 1 **SECTION 1.** 455.01 (4) of the statutes is amended to read:
2 455.01 (4) "Licensed psychologist" means a person holding a valid license
3 under s. 455.04 (1) or (2).

History: 1977 c. 192, 273, 418; 1989 a. 243; 1995 a. 188.

- 4/67/P1 - Rachel S. from Leg. Council

↳ Clarify that interim license is not indefinite
if license is never licensed



State of Wisconsin
2019 - 2020 LEGISLATURE

In 9-23-19
TODAY

LRB-4167/AM
MED:amn

p2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
FWS

Regen.

1 **AN ACT to repeal** 455.07; **to amend** 51.30 (1) (b), 440.08 (2) (a) (intro.), 455.01
2 (4), 455.02 (3m) and 455.04 (5); **to repeal and recreate** 455.06; and **to create**
3 455.04 (2) of the statutes; **relating to:** an interim psychologist license.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the practice of psychology without being licensed as a psychologist by the Psychology Examining Board. This bill requires the board to issue an interim psychologist license to an applicant who satisfies all of the requirements for a psychologist license, other than an experience requirement. An interim license is valid for two years or until the individual obtains a permanent license, subject to a hardship exemption prescribed by the board by rule that could allow renewals beyond two years.

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:

4 **SECTION 1.** 51.30 (1) (b) of the statutes is amended to read:
5 51.30 (1) (b) "Treatment records" include the registration and all other records
6 that are created in the course of providing services to individuals for mental illness,

1 developmental disabilities, alcoholism, or drug dependence and that are maintained
2 by the department; by county departments under s. 51.42 or 51.437 and their staffs;
3 by treatment facilities; or by psychologists licensed under s. 455.04 (1) or (2) or
4 licensed mental health professionals who are not affiliated with a county department
5 or treatment facility. Treatment records do not include notes or records maintained
6 for personal use by an individual providing treatment services for the department,
7 a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or
8 records are not available to others.

9 **SECTION 2.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

10 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
11 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10,
12 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
13 follows:

14 **SECTION 3.** 455.01 (4) of the statutes is amended to read:

15 455.01 (4) "Licensed psychologist" means a person holding a valid license
16 under s. 455.04 (1) or (2).

17 **SECTION 4.** 455.02 (3m) of the statutes is amended to read:

18 455.02 (3m) USE OF TITLES. Except as provided in s. 257.03, only an individual
19 licensed under s. 455.04 (1) or (2) may use the title "psychologist" or any similar title
20 or state or imply that he or she is licensed to practice psychology, and only an
21 individual licensed under s. 455.04 (4) may use the title "private practice school
22 psychologist" or any similar title or state or imply that he or she is licensed to engage
23 in the private practice of school psychology. Except as provided in s. 257.03, only an
24 individual licensed under s. 455.04 (1), (2), or (4) may represent himself or herself to

1 the public by any description of services incorporating the word "psychological" or
2 "psychology".

3 **SECTION 5.** 455.04 (2) of the statutes is created to read:

4 455.04 (2) The examining board shall grant an interim psychologist license to
5 an individual who submits an application for the license, pays the fee specified under
6 s. 440.05 (6), and satisfies the requirements for a license under sub. (1) (a) to (f), other
7 than the requirement under sub. (1) (d). An individual licensed under this
8 subsection may provide psychological services only under the supervision of
9 qualified supervisors, as determined by the examining board.

10 **SECTION 6.** 455.04 (5) of the statutes is amended to read:

11 455.04 (5) Applicants for licensure under subs. ~~(1) and (4)~~ this section may be
12 required to appear before the examining board in person prior to licensure to allow
13 the examining board to make such inquiry of them as to qualifications and other
14 matters as it considers proper.

15 **SECTION 7.** 455.06 of the statutes is repealed and recreated to read:

16 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
17 licenses issued under this chapter are specified under s. 440.08 (2) (a), and the
18 renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

19 (b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual
20 obtains a license under s. 455.04 (1) and may not be renewed, except that the
21 examining board may promulgate rules specifying circumstances in which the
22 examining board, in cases of hardship, may allow an individual to renew a license
23 issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license
24 issued under s. 455.04 (2) is not required to complete continuing education.

subject to a maximum term of 2 years



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4167/P2
MED:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 455.07; **to amend** 51.30 (1) (b), 440.08 (2) (a) (intro.), 455.01
2 (4), 455.02 (3m) and 455.04 (5); **to repeal and recreate** 455.06; and **to create**
3 455.04 (2) of the statutes; **relating to:** an interim psychologist license.

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Under current law, no person may engage in the practice of psychology without being licensed as a psychologist by the Psychology Examining Board. This bill requires the board to issue an interim psychologist license to an applicant who satisfies all of the requirements for a psychologist license, other than an experience requirement. An interim license is valid for two years or until the individual obtains a permanent license, subject to a hardship exemption prescribed by the board by rule that could allow renewals beyond two years.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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4 **SECTION 1.** 51.30 (1) (b) of the statutes is amended to read:
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3 by treatment facilities; or by psychologists licensed under s. 455.04 (1) or (2) or
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5 or treatment facility. Treatment records do not include notes or records maintained
6 for personal use by an individual providing treatment services for the department,
7 a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or
8 records are not available to others.

9 **SECTION 2.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

10 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
11 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10,
12 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
13 follows:

14 **SECTION 3.** 455.01 (4) of the statutes is amended to read:

15 455.01 (4) “Licensed psychologist” means a person holding a valid license
16 under s. 455.04 (1) or (2).

17 **SECTION 4.** 455.02 (3m) of the statutes is amended to read:

18 455.02 (3m) **USE OF TITLES.** Except as provided in s. 257.03, only an individual
19 licensed under s. 455.04 (1) or (2) may use the title “psychologist” or any similar title
20 or state or imply that he or she is licensed to practice psychology, and only an
21 individual licensed under s. 455.04 (4) may use the title “private practice school
22 psychologist” or any similar title or state or imply that he or she is licensed to engage
23 in the private practice of school psychology. Except as provided in s. 257.03, only an
24 individual licensed under s. 455.04 (1), (2), or (4) may represent himself or herself to

1 the public by any description of services incorporating the word “psychological” or
2 “psychology”.”

3 **SECTION 5.** 455.04 (2) of the statutes is created to read:

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5 an individual who submits an application for the license, pays the fee specified under
6 s. 440.05 (6), and satisfies the requirements for a license under sub. (1) (a) to (f), other
7 than the requirement under sub. (1) (d). An individual licensed under this
8 subsection may provide psychological services only under the supervision of
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14 matters as it considers proper.

15 **SECTION 7.** 455.06 of the statutes is repealed and recreated to read:

16 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
17 licenses issued under this chapter are specified under s. 440.08 (2) (a), and the
18 renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

19 (b) A license issued under s. 455.04 (2) is valid until the individual obtains a
20 license under s. 455.04 (1), subject to a maximum term of 2 years, and may not be
21 renewed, except that the examining board may promulgate rules specifying
22 circumstances in which the examining board, in cases of hardship, may allow an
23 individual to renew a license issued under s. 455.04 (2). Notwithstanding sub. (2),
24 an individual holding a license issued under s. 455.04 (2) is not required to complete
25 continuing education.

Walker, Dan

From: Duchek, Michael
Sent: Thursday, October 03, 2019 9:30 AM
To: LRB.Legal
Subject: -4167

Please jacket for assembly for Rep. Tittl.