

Report From Agency

**STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PSYCHOLOGY EXAMINING BOARD : CR 15-102**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The purpose of the proposed rule is to update the rule to reflect the changes due to Wisconsin 13 Act 114 which allows an applicant to take any required examination prior to completion of post-secondary education. In addition, the rule streamlines, clarifies and updates the licensure and examination process, including the removal of outdated provisions and aligning the rule with statutory provisions.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Psychology Examining Board held a public hearing on February 3, 2016. The following people either testified at the hearing, or submitted written comments:

Bruce Erdman
Maureen Rickman
Terri deRoon-Cassini
Gregory Rogers
Heather Abercrombie
Michael Sweetnam
Rachel Heilizer

The Psychology Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

Dr. Erdman spoke for information purposes regarding the link between the supervision of trainees and the new continuing education requirements and how the two impact each other.

Dr. Rickman, Dr. DeRoos-Cassini and Dr. Rogers comments addressed the following: confusion regarding the two examinations; a path to licensure via a diploma from a private organization, American Board of Professional Psychology, which does not include the requirement for a year of supervised psychological practice; recommend changing the educational curriculum reference “issues of cultural and individual diversity” to “issues of cultural diversity and individual differences” to capture commonly accepted psychological terms; requesting guidelines about the ability for a supervisor to interrupt or stop a trainee from practicing in given cases and terminate the supervised relationship if necessary; concerned the repeal of the limitation on the times an applicant can take the jurisprudence exam will reduce the validity of the test; and the omission of a reference to the ethical practice of psychology based upon the American Psychological Association guidelines.

Dr. Abercrombie is concerned the criteria for psychology licensure will weaken the profession.

Dr. Sweetnam indicates the elimination of the requirement of an American Psychological Association approved internship or its equivalent for licensure lowers the standards of the profession and the graduate program.

Dr. Heilizer is concerned about the American Board of Professional Psychology changing its criteria for diplomate status which could allow less competent and rigorously trained psychologists to practice in Wisconsin and indicates these professionals should be required to provide evidence of supervised psychological practice. She believes a limit on the number of times an examinee can take the test needs to be imposed. Dr. Heilizer would like clarity regarding the legal relationship between supervisor and supervisee and language regarding the ethical practice of psychology.

The Psychology Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

The Board modified the rule-making proposal to create definitions of the two examinations to make clear that one is the national examination on the practice of psychology and the other is the jurisprudence test on Wisconsin laws and statutes.

The Board also changed in the section on curriculum the term “issues of cultural and individual diversity” to “issues of cultural diversity and individual differences.”

The Board explains that this rule proposal brings the rule in conformity with current statutes. The waiver of the supervised experience if an applicant holds a diploma of the American Board of Professional Psychology (previously known as American Board of Examiners in Professional Psychology) is a statutory provision. As to limiting the number of times a person can take an exam, the jurisprudence exam is an open book exam which rarely requires a person to retake and the EPPP is a national exam which the Board does not receive knowledge of the applicant's deficiencies in order to require meaningful remediation education prior to allowing to retake beyond the set limit. Therefore, the Board is repealing the limitation of three times unless the applicant completes education and training prescribed by the Board prior to retaking the exam. The Board discussed the issue regarding more specificity regarding a supervisor to interrupt or stop a trainee from practicing or terminating a relationship, however each situation is different and the supervisor is responsible for the health, safety and well-being of the patient. Therefore, it is in the supervisor's professional judgement as to when the supervisor needs to step in and interrupt or stop a trainee from practicing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule does not impact small businesses.