

Clearinghouse Rule 15-102

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Psychology Examining Board to repeal Psy 2.02, 2.03, 2.04, 2.05 (2) and (3), 2.08, 2.12 and 2.13; to amend Psy 2.05 (1) and 2.05 (3); to repeal and recreate Psy 2.01, 2.09 and 2.14; and to create Psy 2.013, 2.018, 2.05 (2m) and 2.10 relating to licensure as a psychologist.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss 455.03, 455.04, and 455.045, Stats.

Statutory authority: ss. 15.08 (5) (b) and 455.08, Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b)]

The examining board shall adopt such rules as are necessary under this chapter. [s. 455.08]

Related statute or rule:

Plain language analysis:

Section 1 repeals and recreates the application process. An applicant is required to file an application, pay a fee, provide evidence of education or equivalent academic training or experience, documentation of a one year experience in psychological work, pass the Examination for the Professional Practice in Psychology (EPPP), pass the jurisprudence exam, verification of credentials in another state and provide information relating to any pending criminal charge or conviction.

Section 2 creates a section on application by reciprocity. An applicant who holds an active license in another jurisdiction may apply for license by submitting an application, pay a fee, pass the jurisprudence exam and evidence of successful completion of an examination on the practice

of psychology approved by the board or evidence of completion of at least 40 board approved continuing education hours within 2 years prior to application.

Section 3 creates a section on application by obtaining a diploma from the American Board of Professional Psychology. The applicant is required to pass an examination on the practice of psychology approved by the Board and the jurisprudence exam.

Section 4 repeals obsolete examination provisions relating to scheduling an examination, unauthorized assistance and time limits and other necessary controls.

Sections 5, 6, 7, and 8 updates the passing scores section to the passing grade on each exam is determined by the Board to represent minimum competence and the Board may adopt the provider's recommended passing grade.

Section 9 repeals the requirement limiting how many times the examination can be taken.

Section 10 is repealed and recreated the section relating to education and experience equivalent to a doctoral degree in psychology. The curriculum must include scientific psychology, scientific, methodical and theoretical foundations of practice, diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies, and a practicum, internship, field or laboratory training supervised by a person with a doctorate degree in psychology.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois applicants are required to have graduated from a doctoral program or a program equivalent to a clinical, school or counseling psychology program and two years of supervised clinical, school or counseling psychology experience. An equivalent program shall consist of the following curriculum: scientific and professional ethics, biological basis of behavior, cognitive-affective basis of behavior, social basis of behavior, individual differences, assessment and treatment modalities. In addition, the applicant shall take the EPPP and the minimum passing score is set by the testing entity. An applicant holding a license in another state may apply by reciprocity by submitting proof that the licensing standards in the state of original jurisdiction are substantially equivalent to those of Illinois. An applicant who is licensed for at least 20 years may apply under provisions for senior psychologists requiring proof of active licensure for 20 consecutive years and verification of a doctoral degree.

Iowa: Iowa applicants are required to have a doctoral degree, pass the EPPP and one year of supervised professional experience for no less than 1500 hours. An applicant may apply through endorsement by providing verification of a current Certificate of Professional Qualification issued by the Association of State and Provincial Psychology Boards or by providing verification of licensure in another jurisdiction with licensure requirements that are substantially equivalent to those required in Iowa. The board may enter into a reciprocal agreement with other jurisdictions.

Michigan: Michigan applicants are required to possess either a doctoral degree in psychology or in a closely related field and pass the EPPP. An applicant may apply through endorsement by doing one of the following: licensed in another state for a minimum of 10 years, hold a current Certificate of Professional Qualification from the Association of State and Provincial Psychology Boards; or hold a current health service provider credential issued by the National Register of Health Service Psychologists.

Minnesota: Minnesota applicants are required to have a doctoral degree from a program that is an organized sequence of study in psychology, pass a national standardized examination in psychology specified by the board (passing score is the recommended score) and one full year of postdegree supervised employment consisting of a minimum of 1,800 hours of actual work experience that is accrued in no less than 12 months and in no more than 30 months. Applicants by mobility are required to show evidence of having a Certificate of Professional Qualification issued by the Association of State and Provincial Psychology Boards or a diplomate from the American Board of Professional Psychology or a health service provider in psychology.

Summary of factual data and analytical methodologies:

The Board reviewed their rules for statutory compliance and updated accordingly. In addition, the Board updated procedures and processes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic impact comments and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington

Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on February 3, 2016 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Psy 2.01 is repealed and recreated to read:

Psy 2.01 Application procedure. An applicant for licensure as a psychologist shall submit all of the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (2) Evidence of one of the following:
 - (a) Official transcript indicating a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.
 - (b) Academic training or specialized experience which in the opinion of the board is equivalent to a doctoral degree in psychology.
 - (c) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists or other credential evaluation organization approved by the Board.
- (3) Documentation of at least one year experience in psychological work meeting the requirements in Psy 2.10
- (4) Evidence of passing the Examination for the Professional Practice in Psychology (EPPP).
- (5) Evidence of passing the written Wisconsin examination on the elements of practice essential to the public health, safety or welfare approved by the board.
- (6) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.
- (7) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.

SECTION 2. Psy 2.013 is created to read:

Psy 2.013 Reciprocity. An applicant who holds an active license in another state, territory, foreign country or province whose license standards are deemed by the board to be equivalent to the standards in this state may apply for license by submitting the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of one of the following:
 - (a) Evidence of successful completion of an examination on the practice of psychology approved by the board.
 - (b) Evidence of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application.
- (4) Evidence of successful completion of the written examination on the elements of practice essential to the public health, safety or welfare approved by the board.

SECTION 3. Psy 2.018 is created to read:

Psy 2.018 American Board of Professional Psychology diploma. An applicant who holds a diploma of the American Board of Professional Psychology may apply for a license by submitting the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of successful completion of an examination on the practice of psychology approved by the board.
- (4) Evidence of successful completion of the written examination on the elements of practice essential to the public health, safety or welfare approved by the board.

SECTION 4. Psy 2.02, 2.03 and 2.04 are repealed.

SECTION 5. Psy 2.05(1) is amended to read:

Psy 2.05 Passing scores. (1) ~~The passing scores set grade on each examination is determined by the board to represent minimum competency required to protect public health and safety competence.~~

SECTION 6. Psy 2.05(2) and (3) are repealed.

SECTION 7. Psy 2.05(2m) is created to read:

(2m) The board may adopt the recommended passing score of the examination provider for the examination for professional practice of psychology.

SECTION 8. Psy 2.05(3) is amended to read:

(3) ~~To pass the examination on the elements of practice essential to the public health, safety or welfare, the applicant shall receive a score determined by the board to represent minimum competence to practice.~~ The board shall make the determination of the passing score of the elements of practice essential to the public health, safety or welfare after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 9. Psy 2.08 is repealed.

SECTION 10. Psy 2.09 is repealed and recreated to read:

Psy 2.09 Education and experience equivalent to a doctoral degree in psychology. The equivalent to a doctorate in psychology is a doctorate degree which meets all of the following requirements:

- (1) The curriculum shall contain all of the following content:
 - (a) Scientific psychology, including all of the following:
 1. Biological aspects of behavior.
 2. Cognitive and affective aspects of behavior.

3. Social aspects of behavior.
4. History and systems of psychology.
5. Psychological measurement.
6. Research methodology.
7. Techniques of data analysis.

(b) Scientific, methodical and theoretical foundations of practice in the substantive area of professional psychology in which the program has its training emphasis including all of the following:

1. Individual differences in behavior.
2. Human development.
3. Dysfunctional behavior or psychopathology.
4. Professional standards and ethics.

(c) Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies including all of the following:

1. Theories and methods of assessment and diagnosis.
2. Effective intervention.
3. Consultation and supervision.
4. Evaluating the efficacy of interventions.

(d) Issues of cultural and individual diversity.

(e) Skills essential for lifelong learning, scholarly inquiry and professional problem-solving as psychologists in the context of an evolving body of scientific and professional knowledge.

(2) The doctorate degree shall include any of the following: practicum, internship, field or laboratory training. This experience shall be supervised by a person with a doctorate degree in psychology.

SECTION 11. Psy 2.10 is created to read:

Psy 2.10 Supervised Psychological Experience. A one year experience in psychological work after a doctoral degree in psychology or its equivalent under conditions satisfactory to the examining board shall include all of the following:

(1) Completion of 2000 hours of the supervised psychological experience in no less than 24 months

(2) Clients shall be informed that the psychological trainee is receiving supervision and that the client's case will be discussed in the context of required supervision. The trainee must inform potential clients in writing of his or her trainee status and lack of license.

(3) A minimum of 25% of the experience required shall consist of face-to-face client contact.

(4) A total of 65% of the experience required shall consist of the face-to-face client contact required under sub. (3) and direct service for the purpose of providing psychological service.

For the purposes of this subsection direct service means those activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation and reviewing published works relating to the client's needs.

(5) The primary supervisor shall be a licensed psychologist and shall have adequate training, knowledge and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have post-licensure experience and shall have had

training or experience in supervision of psychological work. Supervisors shall not be an immediate relative by blood or marriage.

- (6) The supervisor's responsibilities include all of the following:
- (a) Permit a trainee to engage in only psychological practice the supervisor can competently perform.
 - (b) Have sufficient knowledge of the trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client.
 - (c) Monitor the progress of the work on a regular basis.
 - (d) Determine the adequacy of the trainee's preparation for the tasks to be performed.
 - (e) Provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weakness, shall be written and discussed with the trainee on at least a semi annual basis and shall be made available to the board upon request.
 - (f) Be available or make appropriate provision for emergency consultation and intervention.
 - (g) Be legally and ethically responsible for the professional activities of the trainee.
 - (h) Be able to interrupt or stop the trainee from practicing in given cases.
 - (i) To terminate the supervised relationship if necessary.

SECTION 11. Psy 2.12 and 2.13 are repealed.

SECTION 12. Psy 2.14 is repealed and recreated to read:

Psy 2.14 Temporary Practice. In this section, "working days" is defined as any day in which the psychologist provides services.

- (1) A psychologist who is licensed by another state or territory of the United States or a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than than the requirements for licensure as a psychologist in s. 455.04(1) may offer services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under s. 455.04(1).
- (2) The psychologist shall report to the board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year.
- (3) A psychologist provides psychological services in this state whenever the patient or client is located in this state regardless of where the psychologist is located.

SECTION 13. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
