

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING : ADOPTING RULE
: (CLEARINGHOUSE RULE 21-015)

PROPOSED ORDER

An order of the Psychology Examining Board to amend Psy 4.017 (2) (b), relating to the renewal and reinstatement of licenses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 440.035 (2) and 440.08 (3) (b), Stats.

Statutory authority: ss. 15.08 (5) (b) and 440.08 (3) (b), Stats.

Explanation of agency authority:

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

The department or the interested examining board or affiliated credentialing board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, that the department, examining board or affiliated credentialing board determines are necessary to protect the public health, safety, or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed to obtain an initial credential from the department, the examining board or the affiliated credentialing board. [s. 440.08 (3) (b), Stats.]

Related statute or rule: Psy 4

Plain language analysis:

The objective of the proposed rule is to correct a drafting error in Psy 4 in CR 19-117, relating to renewal and reinstatement of licenses. CR 19-117 erroneously reduces the number of continuing education hours for late licensure renewal from 40 hours to 30 hours. The result is that licensees who renew their licenses late must report only 30 continuing education credits. Those who renew at the proper time must report 40 continuing education hours. The proposed rule will correct the error and restore equity between those who renew in a timely fashion and those who renew late.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Department of Financial and Professional Regulation licenses clinical psychologists, prescribing psychologists, prescribing psychologists controlled substance, and prescribing psychologists clinical rotation program. Random audits of continuing education are performed. Additionally, Illinois offers “restoration” of an inactive license requiring verification of active practice in another jurisdiction, one year in an approved education program, six months in a supervised experience, or passing the examination.

Iowa:

The Iowa Board of Psychology is in the Bureau of Professional Licensure in the Department of Public Health. Random audits of continuing education are performed each renewal cycle. Additionally, Iowa offers “reactivation” of an inactive license, requiring an application, fee, verification of competence through a current license in another jurisdiction, and evidence of having completed 40 hours of continuing education, or, if the license has been inactive for more than five years, evidence of having completed 80 hours of continuing education.

Michigan:

The Michigan Board of Psychology is in the Department of Licensing and Regulatory Affairs. Continuing education is required for renewal starting in September 2019, and the department may audit licensees. Additionally, Michigan offers “relicensure.” If a license expired less than three years ago, the licensee is required to complete 40 hours of continuing education. If it has been more than three years, complete 40 hours of continuing education and provide evidence of a current license in another jurisdiction or, if no current license, complete the examination.

Minnesota:

The Minnesota Board of Psychology is a stand-alone agency. Random audits of continuing education are performed each month. Additionally, the Board offers “relicensure” after a voluntary or board termination if the licensee has not practiced without a license and complied with the requirements for examination and licensure in effect at the time of application for relicensure.

Summary of factual data and analytical methodologies:

The Board reviewed CR 19-117 finding that it erroneously reduces the number of continuing education hours for late licensure renewal from 40 hours to 30 hours.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on this proposed rule is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature’s website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Psy 4.017 (2) (b) is amended to read:

Psy 4.017 (2) (b) Certify the completion of ~~30~~ 40 hours of continuing education during the last biennium.

SECTION 2. 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)

This Proposed Order of the Psychology Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Chair, Psychology Examining Board