

Clearinghouse Rule 25-019

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : 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 **amend** Psy 2.14 (2) and (3); and to **create** Psy 2.14 (3) (Note), relating to temporary practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 455.03, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides “[e]ach 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.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Section 440.09 (5), Stats. provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 455.03, Stats.

Plain language analysis:

The Board is updating its Administrative Code chapter Psy 2 after reviewing the temporary practice provision pursuant to s. 455.03, Stats. The Board has concluded that an update is needed to distinguish the statutory provision in s. 455.03, Stats., and the provisions set forth by the Psychology Interjurisdictional Compact in s. 455.50, Stats. Additionally, the Board is clarifying that any psychologist licensed out of state and planning on practicing in Wisconsin for longer than 20 days within a calendar year pursuant s. 455.03, Stats., needs to submit a written report to the Board explaining the nature and extent of their practice in this state.

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

N/A

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A

Comparison with rules in adjacent states:

Illinois:

Illinois requires a temporary permit for psychologist coming from another jurisdiction and want to practice in the state. This permit authorizes the rendering of clinical psychological services in the state for up to 10 calendar days per year, consecutively or in aggregate. In order to obtain this permit, a licensed psychologist must apply by submitting satisfactory proof that they have an unencumbered doctoral level license in good standing in another state of territory and that they are able to practice independently. [225 ILCS 15/11.5]

Iowa:

Iowa allows an out of state licensed psychologist to practice in the state for a period not to exceed 10 consecutive business days or 15 business days in any 90-day period. To qualify for this provision, the psychologist must give the board a summary of their intention to practice. Additionally, the board requires the psychologist to come from a state or territory that has equivalent requirements for licensing as Iowa. If the psychologist resides in a state or territory that does not certify or license psychologist, the board will have to review the person's professional qualifications and determine if they are equivalent to Iowa's requirements for licensing. [Iowa Admin Code 154B.3]

Michigan:

Michigan does not have a provision for temporary practice for out of state licensed psychologists besides the temporary authorization to practice established by the PSYPACT. A psychologist who wants to practice in Michigan and is licensed in another state or territory would have to apply for licensure by endorsement or through PSYPACT.

Minnesota:

Minnesota requires a guest licensure for nonresidents who are not seeking licensure in Minnesota but want to practice in the state. In order to obtain this license, an applicant must have an unencumbered license, certification, or registration to practice psychology in another jurisdiction, hold a doctoral degree from a regionally accredited institution, pay a fee, and pass a professional responsibility examination designated by the board. [MN Stats. 148.916]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of Psy 2 based on current statutory provisions. The Board provided input and feedback to determine any changes or updates needed based on current standards of practice.

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

The proposed rules will be 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.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, 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 received on or before May 28, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Psy 2.14 (2) and (3) are amended to read:

Psy 2.14 (2) Except as provided in ss. Psy 2.15 and Psy 2.16, Aa 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 the requirements for licensure as a psychologist in s. 455.04 (1), Stats., may provide psychological services in this state not more than 60 days in any calendar year without holding a license issued under s. 455.04 (1), Stats.

(3) The psychologist shall report in writing to the board the nature and extent of ~~his or her~~ their practice in this state if it exceeds 20 days within a calendar year.

SECTION 2. Psy 2.14 (3) (Note) is created to read:

Note: Instructions on how to report to the board are available at the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

SECTION 3. 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)
