

CERTIFICATE

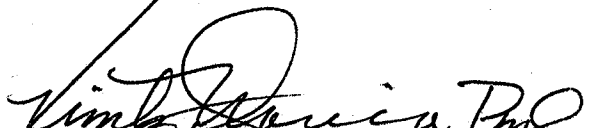
**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kimberly Nania, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Psychology Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Psychology Examining Board on the 19th day of April, 1999.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 19th day of April, 1999.



Kimberly Nania, Director, Bureau of Health Service Professions, Department of Regulation and Licensing

98-206

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 98-206)

ORDER

An order of the Psychology Examining Board to *repeal* Psy 2.09 (1) (j), (2) and 4.02 (3); to *renumber and amend* Psy 2.12; to *amend* Psy 1.01, 1.02 (5), 2.01 (1), (2) and (7), 2.02 (2), 2.09 (1) (a), (3) (a) 2., 10., (b), (c) and (4), 3.01 (1) and (2), 4.01, 4.03 (title), (intro.) and (2) and 5.01 (7) and 5.02 (1); to *repeal and recreate* Psy 4.02 (2) and (4); to *create* a Note following Psy 2.09 (1) (b), 5.01 (32), relating to requirements for examination and licensure of psychologists, renewal and conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 and 455.08, Stats.

Statutes interpreted: ss. 455.01, 455.04, 455.045, 455.06, 455.065 and 455.08, Stats.

In this proposed rule-making order the Psychology Examining Board clarifies the requirements for licensure for those holding a doctoral degree in psychology and the qualification and responsibility of supervisors. The clarification includes, but is not limited to, licensure by reciprocity, licensure of holders of the certificate of professional qualification, licensure of senior psychologists, renewal of a lapsed license, along with approval of continuing education programs and acceptable continuing education programs.

Rules are amended relating to qualification of persons supervising psychological trainees to create minimum experience requirements and to provide that supervisors must be licensed as psychologists. Continuing education rules are amended for purposes of simplification and the convenience of licensees, and to provide for audits of compliance with continuing education requirements. The board is attempting to facilitate licensure of persons licensed in other states by becoming signatory to the agreement of reciprocity of the Association of State and Provincial Psychology Boards. The board proposes amendments designed to make the board eligible to participate in the agreement without significantly changing the actual procedures followed by the board in the licensure process.

The board has become aware that the supervision of future candidates for a license who are engaged in meeting the supervised experience requirements is occasionally carried out by

inexperienced persons who may not be qualified to carry out the required supervisory responsibilities. The board proposes to create amendments which would create such minimum qualifications, primarily by requiring that supervisors be licensed psychologists who have had at least three years of post-licensure professional experience.

The rules establishing the requirements for approval of continuing education have evolved in a somewhat disorganized manner and are confusing to licensees and difficult for the board to administer. The board proposes repeal and recreation of s. Psy 4.02 (2) and (4), designed to remedy that situation by clarifying and simplifying the approval process.

The board requires that licensees at the time of biennial renewal of their licenses certify to having completed 40 hours of board-approved continuing education. In auditing licensees under investigation for allegations of misconduct, the board has found that a significant number of such licensees have not in fact completed required continuing education. The board proposes to create a rule which would provide for random audit of ten percent of all licensees during each biennial licensing period.

The board's current rules of conduct define as unprofessional conduct conviction of a crime the circumstances of which substantially relate to the practice of psychology, but do not define as unprofessional conduct adverse action by the psychology licensing board in another state. The board proposes the creation of a new disciplinary rule which would remedy that situation.

Section Psy 2.02 (2), provides that applicants must complete their application before the first of the month prior to the month in which the examination is given. In some instances, this is insufficient time to complete the arrangements for admission to the examination. The board would propose amending the rule to increase the time for processing examination applications to at least 30 days. Section Psy 2.09 (1) (j) does not accurately characterize the requirement at s. 455.04 (1) (c), Stats., and is therefore repealed.

Rules are also amended relating to form, style and grammar of existing rules in order to improve readability; changes are made relating to examination passing scores; and changes also update citations referencing statutes which have been renumbered, modified or repealed.

TEXT OF RULE

SECTION 1. Psy 1.01 is amended to read:

Psy 1.01 The rules in chs. Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a) and ~~445.08~~, 455.045 (3), 455.065 (1), 455.065 (3), 455.065 (5), 455.08 and 455.09 (1) (g), Stats.

SECTION 2. Psy 1.02 (5) is amended to read:

Psy 1.02 (5) "Disciplinary proceeding" means a proceeding against one or more licensees in which the board determines whether or not to revoke or suspend a license, to reprimand a licensee, ~~or to limit a license,~~ or refuse to renew a license.

SECTION 3. Psy 2.01 (1), (2) and (7) are amended to read:

Psy 2.01 (1) The properly completed and signed application form ~~accompanied by a recent full face photograph of the applicant.~~

Note: Applications are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The application fee ~~specified under~~ authorized by s. 440.05 (2) (1), Stats.

(7) Evidence of successful completion of ~~a the professional practice of psychology~~ an examination prepared by professional examination services on the practice of psychology approved by the board.

SECTION 4. Psy 2.02 (2) is amended to read:

Psy 2.02 (2) No applicant may be admitted to the examination on the professional practice of psychology unless the requirements stated in s. Psy 2.01 (1) to (3) have been met ~~before the first of the month immediately~~ at least 30 days prior to the board meeting preceding the date of the examination.

SECTION 5. A Note following Psy 2.09 (1) (b) is created to read:

Note: Prior to October 1, 1999, supervisors were required to be licensed or license eligible. The requirement that the primary supervisor be a licensed psychologist applies to supervised experience commenced after October 1, 1999.

SECTION 6. Psy 2.09 (1) (a) is amended to read:

Psy 2.09 (1) (a) Training in professional psychology ~~is~~ consisting of doctoral training offered in a regionally accredited institution of higher education.

SECTION 7. Psy 2.09 (1) (j) is repealed.

SECTION 8. Psy 2.09 (2) is repealed.

SECTION 9. Psy 2.09 (3) (a) 2., 10., (b), (c) and (4) are amended to read:

Psy 2.09 (3) (a) 2. The first 1,500 hours of the experience should be under the direction of one licensed ~~or license eligible~~ psychologist who satisfied the requirements of pars. (b) and (c) and who shall be responsible for the integrity and the quality of the training. It shall be planned, organized and integrated, and appropriate to the intended area of practice. There shall be a minimum of 2 hours per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with services rendered directly by the trainee. There must also be at least 2 additional hours per week in learning activities such as: case conferences, seminars,

addressing practice issues, co-therapy with a staff person including discussion, group supervision or additional individual supervision.

10. There ~~must~~ shall be multidisciplinary team membership with the trainees being teamed with other professional specialists in serving clients. It is desirable that trainees also be teamed with other psychologists and other trainees. It is the responsibility of the applicant to demonstrate that he or she had a variety of role models within the field of psychology.

(b) *Qualifications of supervisor.* ~~All supervisors of the trainee~~ The trainee's primary supervisor shall be licensed or license-eligible psychologists and shall have adequate training, knowledge and skill to render competently any psychological service that a psychological trainee undertakes. The supervisor shall have had at least 3 years of post-licensure experience and shall have had training or experience in supervision of psychological work. The supervisor may not permit a trainee to engage in any psychological practice that the supervising psychologist cannot competently perform. Supervisors shall not be a relative by blood or marriage nor be involved in any other dual relationship which obliges the supervisor to the ~~supervisee~~ trainee.

(c) *Responsibility of supervisor.* All supervisors shall be legally and ethically responsible for the activities of the psychological trainee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall be able to interrupt or stop the ~~supervisee~~ trainee from practicing in given cases and to stop the supervisory relationship if necessary. All supervisors of the trainee shall be required to provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weaknesses, shall be written and discussed with the ~~supervisee~~ trainee on at least a quarterly basis.

(4) APPEARANCE BEFORE THE BOARD. The applicant ~~may~~ shall be required to appear before the board in person prior to licensure to allow the board to make such inquiry of them as to qualifications and other matters as it considers proper.

SECTION 10. Psy 2.12 is renumbered Psy 2.12 (1) and Psy 2.12 (1) (title), as renumbered, is amended to read:

Psy 2.12 (1) (title) ~~REQUIREMENTS FOR PERSONS HOLDING A LICENSE TO PRACTICE PSYCHOLOGY IN ANOTHER STATE~~ LICENSURE BY COMITY.

SECTION 11. Psy 2.12 (2), (3) and (4) are created to read:

Psy 2.12 (2) LICENSURE BY RECIPROCITY. Applicants who are licensed in another state which is signatory to the agreement of reciprocity of the association of state and provincial psychology boards, and who apply on or after the effective date that the board becomes signatory to that agreement, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

(3) LICENSURE OF HOLDERS OF THE CERTIFICATE OF PROFESSIONAL QUALIFICATION. Applicants who are licensed in another state who hold the certificate of professional qualification in psychology issued by the association of state and provincial psychology boards shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

(4) LICENSURE OF SENIOR PSYCHOLOGISTS. Applicants who have been licensed for 20 or more years in another licensing jurisdiction of the United States or Canada that had requirements for licensure substantially equivalent to the requirements for licensure in this state at the time of original licensure, and who have never been disciplined by the licensing board of any state or province, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10) and (11).

SECTION 12. Psy 3.01 (1) and (2) are amended to read:

Psy 3.01 (1) The properly completed and signed application form ~~accompanied by a recent full face photograph of the applicant.~~

Note: Applications are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The application fee ~~specified under~~ authorized by s. 440.05 (2) (1), Stats.

SECTION 13. Psy 4.01 is amended to read:

Psy 4.01 **Biennial renewal.** On or before September 30 of the odd-numbered year following issuance of the license, the licensee shall apply for renewal to the department and submit the fee specified in s. ~~440.05 (3)~~ 440.08 (2) (a), Stats., and shall meet the continuing education requirements specified in s. Psy 4.02.

SECTION 14. Psy 4.02 (2) is repealed and recreated to read:

Psy 4.02 (2) **APPROVAL OF CONTINUING EDUCATION PROGRAMS.** The board shall approve all of the following programs and courses:

(a) Continuing education programs and courses sponsored or co-sponsored by a presenter approved by the committee for the approval of continuing education sponsors of the American psychological association.

(b) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American medical association or the American osteopathic association.

(c) Graduate level courses or continuing education courses relevant to the professional practice of psychology offered by accredited colleges and universities.

(d) Continuing education courses approved by the psychology licensing board in another state where the participant is also licensed.

SECTION 15. Psy 4.02 (3) is repealed.

SECTION 16. Psy 4.02 (4) is repealed and recreated to read:

Psy 4.02 (4) **PROOF OF ATTENDANCE AT CONTINUING EDUCATION PROGRAMS.** Applicants for renewal shall be asked to certify their attendance at required continuing education. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

SECTION 17. Psy 4.03 (title), (intro.) and (2) are amended to read:

Psy 4.03 (title) ~~Reinstatement~~ **Renewal of a lapsed license.** (intro.) Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for ~~reinstatement~~ renewal of the license as follows:

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on ~~reinstatement~~ renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of 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 under s. 455.04 (1), Stats., or as a private practice psychologist under s. 455.04 (4), Stats. Notwithstanding any presumption of competency under this subsection, the examining board shall require each applicant under this subsection to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

SECTION 18. Psy 5.01 (7) is amended to read:

Psy 5.01 (7) Reporting distorted, erroneous, ~~and/or~~ or misleading psychological information.

SECTION 19. Psy 5.01 (32) is created to read:

Psy 5.01 (32) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice psychology which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government,

including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 20. Psy 5.02 (1) is amended to read:

Psy 5.02 (1) In disciplinary proceedings that result in stipulation, a settlement, reprimand, suspension, revocation, or limitation of a license issued by this board, the standard departmental policies will be followed.

~~(a) The board will publish notice of its action in a newspaper of general circulation in the county of residence and in the county of principal business location of the subject of disciplinary action.~~

~~(b) The board will send notice of its action to organizations with which the subject of the disciplinary action has a professional relationship.~~

(END OF TEXT OF RULE)

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.

Dated 4. 19. 99.

Agency

Stephen F. Seaman Ph.D.
Chairperson

Psychology Examining Board

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4/19/99



State of Wisconsin

DEPARTMENT OF REGULATION AND LICENSING

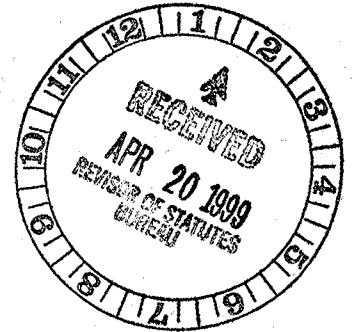
CORRESPONDENCE/MEMORANDUM

DATE: April 20, 1999

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Administrative Rules Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



**Agency: Psychology Examining Board
Clearinghouse Rule 98-206**

Attached is a copy and a certified copy of a final order adopting rules.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.