

CR 87-86

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CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ramona Weakland Warden, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of Psychology Examining Board do hereby certify that the annexed rules were duly approved and adopted by the Psychology Examining Board on the 9<sup>th</sup> day of Sept., 1988.

I further certify that said copy has been compared to 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 9<sup>th</sup> day of Sept., 1988.

*Ramona Weakland Warden*  
Ramona Weakland Warden, Director  
Bureau of Health Service Professions  
Department of Regulation and  
Licensing

WLD  
RULES-18

12-1-88

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STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

Revisor of Statutes  
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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD	:	ADOPTING RULES
	:	Clearinghouse Rule 87-86

ORDER

The Psychology Examining Board adopts the following order to amend Psy 3.01(1), Psy 3.02(5) and (15); and to create Psy 3.02(33) and (34), relating to unprofessional conduct by psychology applicants and licensees.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutory authority: ss. 15.08(5)(b), 227.11(2)(a), 455.08, Stats.  
Statute interpreted: 455.09(1), Stats.

In this order, the Psychology Examining Board amends several rules setting forth unprofessional conduct. It deletes from the definition of "client" under s. Psy 3.01(1) that a person receiving professional services from a psychologist must actually have paid a fee or provided other consideration in order to be considered a "client".

This distinction becomes important in complaints alleging sexual abuse by psychologists where a person receiving psychological services may not have paid a fee. Along these lines, the board also clarifies under s. Psy 3.02(15) that a person is presumed to continue to be a "client" for six months after the termination of professional services. The board believes this clarification also provides better regulation over potential sexual abuse problems where a psychologist-client relationship existed in the recent past.

In other proposed changes, the board extends its disciplinary jurisdiction for criminal conviction of licensees imposed in other states, for failure by licensees to notify the board of criminal convictions, and for having disciplinary action taken against one's license to practice psychology in another state.

TEXT OF RULE

SECTION 1. Psy 3.01(1) is amended to read:

Psy 3.01(1) "Client" means the individual, group, business, agency, school, organization, or association for whom the licensee of the board provides professional services for ~~a fee or other consideration which the licensee is usually and customarily compensated~~. The term client, as defined here, includes the term and concept of "patient".

SECTION 2. Psy 3.02(5) and (15) are amended to read:

Psy 3.02(5) Conviction of a crime ~~resulting from or~~ in this state or any other jurisdiction, relating the circumstances of which substantially relate to the licensee's professional practice of psychology.

Psy 3.02(15) Indulging in sexual intimacies with clients. For purposes of this subsection only, a person shall continue to be a client for 6 months after the termination of professional services.

SECTION 3. Psy 3.02(33) and (34) are created to read:

Psy 3.02(33) Having disciplinary action taken against one's license to practice psychology in another state or jurisdiction.

(34) Failing to notify the board of any criminal conviction against the licensee.

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

9/9/88

Agency

Derek R. Bacht, Ph.D.

Chairperson

Psychology Examining Board

#### FISCAL ESTIMATE

There is no statewide or local fiscal effect.

#### REGULATORY FLEXIBILITY ANALYSIS

The rules will have no significant economic impact on small businesses, as defined in s. 227.114(1)(a), Stats.

WD:skv

RULES-121

**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** September 19, 1988

**FILE REF:**

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**TO:** Gary Poulson,  
Assistant Revisor of Statutes

SEP 19 1988

Revisor of Statutes  
Bureau

**FROM:** William Dusso  
Department of Regulation and Licensing

**SUBJECT:** Final Rulemaking Order

**Agency: PSYCHOLOGY EXAMINING BOARD**

**Clearinghouse Rule: 87-86**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code. Thanks, Gary.

RULES-115  
WLD