

CR 90-217

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 the Psychology Examining Board do hereby certify that the annexed rules were duly approved and adopted by the Psychology Examining Board on the 12th day of July, 1991.

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 12th day of July, 1991.

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

RECEIVED

JUL 12 1991  
4:00pm  
Revisor of Statutes  
Bureau

10-1-91

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JUL 12 1991

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

Revisor of Statutes  
Bureau

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 90-217)

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ORDER

An order of the Psychology Examining Board to repeal and recreate Chapters Psy 1, 2, 3 and 4 and to create chapter Psy 5 of the administrative code relating to authority and definitions, requirements for examination and licensure of psychologists, requirements for private practice of school psychology, requirements for renewal and conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) (a) and 445.08, Stats.

Statutes interpreted: ss. 455.04, 455.045, 455.06, 455.065, Stats.

Chapter Psy 1 sets forth statutory authority for the proposed rules and defines terms used.

Chapter Psy 2 reorganizes the requirements into a more easily followed order. It then incorporates the new requirements for examinations and goes on to list the education and experience requirements which were already present, but which are now tightened up.

Section Psy 2.01 more specifically outlines what the Psychology Examining Board requires with the application. Any areas of practice stated on the "Nature of Intended Practice of Psychology" form must be supported by appropriate hours of supervised experience as documented on the "Supervised Psychological Experience" form. If there is conflict the board will ask for a change in the "Practice" statement and an agreement not to practice in those areas until the person has supervised experience to back it up. This exchange occurs in the "Appearance" in ss. Psy 2.09 (3) and 2.10 (3).

In s. Psy 2.02, the newly required national content examination is only given two times a year. To improve access to this examination an applicant may take it as soon as only initial papers have been filed. However, the board has determined that to take the examination on state laws all documents must be complete. Currently this examination is given monthly and those scheduled for Appearance take it just prior to that.

Sections Psy 2.03, 2.04, 2.06, 2.07 and 2.08 are standard for many other boards and outline department procedures in these areas. Section Psy 2.05 sets a passing grade which is somewhat less stringent than that previously required.

Under s. Psy 2.09 (1) (a), 1 to 9 have been added to clarify what constitutes a doctoral degree in psychology. One of the major sections of revision in the proposal comes in s. Psy 2.09 (2). First of all the basic experience requirement has been increased from 1,500 hours in 3 years to 3,000 hours in 5 years. The board determined the increase based on requirements in other states. Then, in an effort to assure that supervised experience met standards that would produce professional competence, the board carefully details when, how, how much, and by whom the experience is to be conducted, as well as the responsibilities and qualifications of those involved.

Section Psy 2.09 (3) Appearance. This is the final step, done after all documents have been filed and approved and all examinations completed. The previous statute made the appearance mandatory for all applicants. However, the new legislation changed it to a permissive requirement, at the board's discretion, since the national examination is now required and since the appearance was and is not a determining factor in granting or denying licensure.

Section Psy 2.10 addresses requirements for those holding a doctoral degree in an area related to psychology, but not specifically psychology. This section outlines a path of course equivalency specifying the areas of coursework which must be included over 76 additional credits. The previous rules had also outlined an equivalency route using 57 additional credits and the national examination. However, since the examination is now required for everyone, this route became moot and was deleted. Section Psy 2.11 outlines requirements for persons holding a master's degree in psychology, rather than a doctoral degree. These persons must complete 57 additional credits in specific areas, and must complete an additional 3,000 hours supervised experience beyond the 3,000 hours required for all applicants.

Section Psy 2.12 lists the requirements for persons holding a license to practice psychology in another state. Previously those licensed elsewhere essentially met the same provisions as those not licensed, with a few provisions for waiver. Under the new legislation they do still meet the same education and experience requirements. However, the national examination requirement may be waived if the standards of their original licensure were substantially equivalent to those of Wisconsin and if they have completed a certain amount of continuing education within the last two years. Section Psy 2.13 increases the board's possible requirements for those from outside the U.S. and Canada. The applicant may be required to gain additional supervised experience, in the U.S., as well as possibly pass an English proficiency examination.

Chapter Psy 3 presents significant change for school psychologists who wish to become licensed for the private practice of school psychology. Previously those certified at the highest level as school psychologists by the Department of Public Instruction were automatically granted private practice licenses upon application, verification of their DPI status and appearance before the board. As of the new legislation, however, these persons must now document to the board their education and experience and must pass both a content examination and the state examination on psychology laws. They then are admitted for appearance before the board. Though it is not found in the new legislation, the new rule proposal also requires them to complete a "Nature of Intended Private Practice of School Psychology" statement.

Chapter Psy 4, requirements for renewal. The previous rules did not address renewal of licensure. This was briefly mentioned in the statute. However, since the new legislation set up a requirement for continuing education for renewal, the board determined to outline the continuing education requirement within the context of renewal. Section Psy 4.02 (1) states that continuing education must be board-approved and designates the required number of credits and how these are to be documented to the board office. Section Psy 4.02 (2) specifies that the board will approve each program and details the procedure and criteria for applying for and gaining board approval of a program for continuing education credit. Section Psy 4.02 (3) specifies how alternate methods of continuing education will be considered for approval.

Section Psy 4.03 outlines changes in the procedures for reinstatement of a lapsed license. Previously the rules did not address this issue. The statute only addressed renewal after 5 years, and basically required the applicant to complete the entire process again. The new legislation, however, specified procedures for renewal after the renewal deadline but within 5 years, and allowed less stringent requirements after that time. The rule does not specify the requirements for renewal after 5 years because this is plainly stated in the new legislation.

Chapter Psy 5 revises and expands the previous ch. Psy 3, with definitions having been moved to ch. Psy 1. The revisions largely reflect the current standards of conduct in the profession as outlined in the American Psychological Association's Ethical Principles for Psychologists.

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TEXT OF RULE

SECTION 1. Chapters Psy 1, 2, 3 and 4 are repealed and recreated to read:

CHAPTER PSY 1 (title)

AUTHORITY AND DEFINITIONS

Psy 1.01 AUTHORITY. The rules in chapters Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2) (a) and 445.08, Stats.

Psy 1.02 DEFINITIONS. As used in chs. Psy 1 to 5:

(1) "Applicant" means any person who applies for a license from the board.

(2) "Board" means the psychology examining board.

NOTE: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708, telephone (608) 266-0070.

(3) "Client" means the individual, group, business, agency, school, organization, or association for whom the licensee of the board provides professional services for which the licensee is usually and customarily compensated. The term "client" includes the term and concept of "patient."

(4) "Department" means the department of regulation and licensing.

(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.

(6) "Gross negligence in the practice of psychology" means the performance of professional services that do not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety or welfare of patient or public, and that are performed in a manner indicating that the licensee knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(7) "One contact hour" means at least 50 minutes that the psychologist spends directly engaged in a continuing education activity approved by the board.

(8) "The private practice of school psychology" means providing psycho-educational evaluation and intervention for the prevention and treatment of educationally relevant problems. Intervention includes service to the student or consultation with persons who affect the student's education program.

#### CHAPTER PSY 2 (title)

#### REQUIREMENTS FOR EXAMINATION AND LICENSURE OF PSYCHOLOGISTS

Psy 2.01 APPLICATION PROCEDURE. The board shall act on an application for licensure as a psychologist only after all of the following materials, which shall be documented in English, have been received:

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

(2) The application fee specified under s. 440.05 (2), Stats.

(3) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the board.

(4) Documentation of any additional relevant education and appropriate experience.

(5) The "Supervised Psychological Experience" form which has been filled out by a psychologist who has firsthand knowledge of the applicant's experience relating to psychology.

(6) The "Nature of Intended Practice of Psychology" form.

(7) Evidence of successful completion of the professional practice of psychology examination prepared by professional examination services.

(8) Proof of successful completion of the written examination on the elements of practice essential to the public health, safety or welfare.

(9) For applicants under s. Psy 2.13, as required by the board, documentation of additional supervised experience in the United States and documentation of English proficiency.

(10) Verification of the applicant's licensure in all states or countries in which the applicant has ever held a license.

(11) 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 duties of the licensed activity.

(12) For applicants licensed in another state wishing to be exempted from the examination in sub. (7), proof of completion of continuing education requirements as specified in s. Psy 2.12.

Psy 2.02 SCHEDULING OF EXAMINATIONS. (1) Examinations shall be held at least twice a year at a time and place designated by the board. Notice of the next scheduled examinations may be obtained by contacting the department.

(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 prior to the board meeting preceding the date of the examination.

(3) No applicant may be admitted to the examination on the elements of practice essential to the public health, safety or welfare unless the requirements stated in s. Psy 2.01 (1) to (7) and (9) to (12) have been met before the first of the month immediately prior to the board meeting preceding the date of the examination.

Psy 2.03 UNAUTHORIZED ASSISTANCE. The board may withhold the score of an applicant who gives or receives unauthorized assistance during examinations. The board may consider this applicant for retesting at a future time.

Psy 2.04 CONTROLS. The board chairperson or proctor may announce time limits and other necessary controls prior to the examinations.

Psy 2.05 PASSING GRADE. (1) EXAMINATION ON THE PRACTICE OF PSYCHOLOGY. A passing score on the written examination in basic and applied psychology shall be a percent-of-items-passed score that is at or above one half standard deviation below the most recently published cumulative mean for all doctoral examinees on the respective form of the examination.

(2) EXAMINATION ON ELEMENTS ESSENTIAL TO HEALTH, SAFETY AND WELFARE. To pass this examination, each applicant shall receive a score of 75 percent correct or above.

Psy 2.06 FAILURE AND REVIEW. (1) An applicant who fails the examination on elements essential to health, safety and welfare may request a review of that examination. The applicant must file a written request to the board within 30 days of the date on which examination results were mailed or reported.

(2) The time for review shall be limited to time allowed for examination administration.

(3) The examination shall be reviewed only by the applicant and in the presence of the proctor.

(4) The proctor may not respond to inquiries by the applicant regarding allegations of examination error.

(5) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a subsequent hearing.

(6) An applicant may review the examination only once.

Psy 2.07 CLAIM OF EXAMINATION ERROR. (1) An applicant wishing to claim examination error must file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address.

(b) The type of license applied for.

(c) A description of the perceived error, including specific questions or procedures claimed to be in error.

(d) The facts that the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, the applicant may request a hearing under s. RL 1.05.

Psy 2.08 REEXAMINATION. An applicant who fails an examination may apply for reexamination.

Psy 2.09 REQUIREMENTS FOR LICENSURE FOR THOSE HOLDING A DOCTORAL DEGREE IN PSYCHOLOGY. (1) EDUCATIONAL REQUIREMENTS. (a) An applicant for a license under this section shall possess a doctoral degree in psychology. A doctoral degree in psychology is either a degree granted by an accredited college or university as defined in s. 455.04 (1) (c), Stats., that is represented by an official transcript of credits as being a "doctoral degree in psychology," a doctoral degree with a major in psychology from a department of psychology, or a program which is designated by the board to be equivalent to a doctorate in psychology by meeting the following requirements:

1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable psychology faculty on site and a psychologist responsible for the program.

7. The program must have an identifiable body of students who are matriculated in that program for a degree.

8. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

9. The curriculum shall encompass a minimum of 3 academic years of full time graduate study, at least one of which shall be in full-time residence. In addition to the instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of 3 or more graduate semester hours (5 or more graduate quarter hours) in each of these 4 substantive content areas: a) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology; b) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion; c) Social bases of behavior: social psychology, group processes, organizational and systems theory; and d) Individual differences: personality theory, human development, abnormal psychology. In addition, all professional education programs in psychology will include course requirements in specialty areas. If the transcript does not indicate that the degree is a "doctoral degree in psychology," the board shall take an overall view of the applicant's program and determine whether the applicant satisfied the criteria for a doctoral degree in psychology under s. 455.01, Stats.

(b) If the transcript does not satisfy the criteria for a doctoral degree in psychology specified in sub. (a), the board shall consider licensure of the applicant on the basis of equivalency by means of examination and credentials under ss. Psy 2.10 or Psy 2.11.

(2) SUPERVISED EXPERIENCE REQUIREMENTS. (a) Conditions of supervised experience.

1. A psychological trainee shall complete 3,000 hours of supervised experience within 5 consecutive years as a prerequisite to licensure as a psychologist. These hours shall be accumulated at not less than 16 hours nor more than 40 hours per week. The 3,000 hours of experience shall be in a setting and shall include the activities appropriate to the intended area of practice. It shall be the responsibility of the applicant to demonstrate the appropriateness of the setting and the activities to the intended area of practice.



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.

3. The second 1,500 hours of the experience must include a minimum of 1 hour per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with the services rendered directly by the trainee.

4. A minimum of 1,500 hours must follow the doctoral degree.

5. To obtain a diversity of training, supervised experience may be supervised by other licensed or license-eligible psychologists.

6. Hours obtained through practicum, clerkship or externship experiences are considered part of the educational process and may not be used to satisfy this requirement.

7. The supervisor shall have sufficient knowledge of the supervisee's clients to ensure effective service. This may include ongoing face-to-face contact with the client. The progress of the work must be monitored on a regular basis by the supervisor to ensure that legal, ethical, and professional responsibility is assumed by the supervisor for all services rendered.

8. 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, lack of license, and of the possibility that insurance companies may not reimburse services rendered by the nonlicensed trainee. Fees for client services may neither be billed independently nor accepted by the trainee.

9. The experience required shall consist of at least 25% face-to-face client contact and at least 40% 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, such as note and report writing, studying test results, case consultation and reviewing published works relating to the client's needs.

10. There must 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.

11. The trainee should have experience in a range of direct services. The clients served should be consistent with the target population of intended practice addressing a broad spectrum of psychological problems. A variety of other service activities that are appropriate to the intended area of practice include, but are not limited to, those of the following: intake service, administration, case staffings, research activities, inservice program activities, organizational development and consultation.

(b) Qualifications of supervisor. All supervisors of the trainee 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 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.

(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 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 on at least a quarterly basis.

(d) Qualifications of psychological trainee. The psychological trainee shall have the background training and experience that is appropriate preparation for the supervised training activities. The supervisor is responsible for determining the adequacy of the trainee's preparation for the tasks to be performed.

NOTE: All supervisors of a psychological trainee are encouraged to register with the board to receive information on the supervisory responsibilities to share with a prospective psychological trainee.

(3) APPEARANCE BEFORE THE BOARD. The applicant may 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.

Psy 2.10 REQUIREMENTS FOR LICENSURE FOR THOSE HOLDING A DOCTORAL DEGREE IN AN AREA RELATED TO PSYCHOLOGY. (1) EDUCATIONAL REQUIREMENTS. Applicants for licensure who hold a doctorate degree in an area related to psychology shall meet the following requirements:

(a) The applicant must possess a doctoral degree, based in part upon a doctoral dissertation or project that is psychological in nature, from an accredited college or university as defined in s. 455.04 (1) (c), Stats.;

and at least 76 hours of graduate credits in psychology exclusive of thesis or dissertation credits. Of the 76 graduate semester hours, at least 36 graduate semester hours shall be in basic courses distributed among the following 5 basic areas with at least 3 hours and not more than 12 hours in any one area:

1. Scientific method and processes - statistics, research methods and design, measurement of human behavior, experimental methods, experimental psychology;
2. Individual differences - personality, developmental, abnormal, individual differences;
3. Biological bases of behavior - comparative psychology, physiological psychology, perceptual psychology, psychopharmacology and neuropsychology, sensation;
4. Social bases of behavior - social psychology, organization and systems theory, group processes; and
5. Cognitive and affective bases of behavior - motivation, learning, thinking, perception, affective behavior.

(b) The applicant must also demonstrate training in subject areas relevant to their intended areas of practice. At least 21 graduate semester hours in psychology shall be distributed among at least 4 of the following 5 applied areas with a minimum of 3 credit hours in areas described in subds. 4 and 5:

1. Psychological assessment and measurement;
2. Intervention - individual, group, theory, application;
3. Consultation, program development, or supervisory experience;
4. Professional issues - ethics, client rights, standards; and
5. Practicum - supervised applied experience.

(c) The balance of the graduate semester hours (19) in psychology may be in either basic or applied areas.

(2) SUPERVISED EXPERIENCE REQUIREMENTS. The applicant must have fulfilled the supervised experience requirements as specified in s. Psy 2.09 (2).

(3) APPEARANCE BEFORE THE BOARD. The applicant may 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.

Psy 2.11 REQUIREMENTS FOR PERSONS HOLDING A MASTER'S DEGREE IN PSYCHOLOGY. (1) EDUCATIONAL REQUIREMENTS. An applicant for licensure who holds a master's degree in psychology shall meet the following requirements:

(a) Possess a master's degree in psychology from an organized program designed to train the student for the practice of psychology, granted by an accredited college or university as defined in s. 455.04 (1) (c), Stats., and at least 57 hours of graduate credits in psychology exclusive of thesis or dissertation credits. Of the 57 graduate semester hours, at least 36 graduate semester hours shall be in basic courses distributed among the following 5 basic areas with at least 3 hours and not more than 12 hours in any one area:

1. Scientific method and processes - statistics, research methods and design, measurement of human behavior, experimental methods, experimental psychology;

2. Individual differences - personality, developmental, abnormal, individual differences;

3. Biological bases of behavior - comparative psychology, physiological psychology, perceptual psychology, psychopharmacology and neuropsychology, sensation;

4. Social bases of behavior - social psychology, organization and systems theory, group processes; and

5. Cognitive and affective bases of behavior - motivation, learning, thinking, perception, affective behavior.

(b) The applicant must also demonstrate training in subject areas relevant to their intended area of practice. At least 21 graduate semester hours in psychology shall be distributed among at least 4 of the following 5 applied areas with a minimum of 3 credit hours in areas described in subs. 4 and 5:

1. Psychological assessment and measurement - individual, group;

2. Intervention - individual, group, theory, application;

3. Consultation, program development or supervisory experience;

4. Professional issues - ethics, client rights, standards; and

5. Practicum - supervised applied experience.

(2) SUPERVISED EXPERIENCE REQUIREMENTS. (a) Have fulfilled the supervised experience requirements as specified in s. Psy 2.09 (2) with the exception that the supervised experience follow the master's degree.

(b) Have completed an additional 3,000 hours experience in an organized psychological services delivery system. The 3,000 hours must be gained within a period of no more than 5 consecutive years. This experience shall be directed to developing the skills of a professional psychologist, appropriate to the intended areas of practice. The quality shall be validated by a psychologist who meets the qualifications of supervisors noted in s. Psy 2.09 (2) (b).

(3) APPEARANCE BEFORE THE BOARD. The applicant may 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.

Psy 2.12 REQUIREMENTS FOR PERSONS HOLDING A LICENSE TO PRACTICE PSYCHOLOGY IN ANOTHER STATE. Applicants who are licensed in another state must meet the requirements of s. Psy 2.01. However, the examination on the practice of psychology shall be waived if the standards of the licensing authority of the other state were substantially equivalent to the standards of this state at the time of initial licensure, and if the applicant submits proof of completion of at least 40 contact hours of approved continuing education within 2 years prior to application.

Psy 2.13 DOCTORAL DEGREES IN PSYCHOLOGY OUTSIDE THE U.S. AND CANADA. In addition to the supervised experience requirements set forth in s. Psy 2.09 (2), all applicants with doctoral degrees in psychology from universities outside the United States and Canada may be required to submit documentation of additional supervised experience within the U.S. Applicants for licensure on the basis of degrees from colleges and universities from outside the United States shall also pass the examination for the professional practice of psychology and may also be required to pass an English proficiency examination approved by the board.

#### CHAPTER PSY 3 (title)

#### REQUIREMENTS FOR THE PRIVATE PRACTICE OF SCHOOL PSYCHOLOGY

Psy 3.01 APPLICATION PROCEDURE. The board shall act on an application for licensure for the private practice of school psychology only after all of the following materials, which shall be documented in English, have been received:

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

(2) The application fee specified under s. 440.05 (2), Stats.

(3) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the board.

(4) Documentation that the applicant holds a regular license as a school psychologist by the Wisconsin department of public instruction under s. PI 3.53.

(5) Documentation of additional relevant education and appropriate experience.

(6) The "Experience Verification" form that has been filled out by a psychologist who has firsthand knowledge of the applicant's experience related to psychology.

(7) The "Nature of Intended Private Practice of School Psychology" form.

(8) Verification of the applicant's licensure and certification in all states or countries in which the applicant has ever held a license.

(9) For applicants who have a pending criminal charge or have been convicted of a crime, all information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the duties of the licensed activity.

(10) Proof of successful completion of the written examination on the practice of school psychology.

(11) Proof of completion of the written examination in the elements of practice essential to the public health, safety or welfare.

(12) For applicants licensed in another state wishing to be exempted from the examination in sub. (10), proof of completion of continuing education requirements as specified in s. Psy 3.03.

Psy 3.02 REQUIREMENTS FOR A LICENSE FOR THE PRIVATE PRACTICE OF SCHOOL PSYCHOLOGY. (1) LICENSURE BY THE DEPARTMENT OF PUBLIC INSTRUCTION. Only persons holding a regular license as a school psychologist issued by the Wisconsin department of public instruction under s. PI 3.53 may be licensed for the private practice of school psychology.

(2) EXPERIENCE. An applicant for a license for the private practice of school psychology shall complete one of the following:

(a) One year of successful experience as a school psychologist under the supervision of a cooperating school psychologist and a written recommendation from the school system administration; or

(b) One year of internship in school psychology under the supervision of a licensed school psychologist and a written recommendation from the school system administration. The internship shall occur after completion of most or all coursework in a training program. The internship shall be part of an approved program and shall be taken for a maximum of 12 graduate semester credits.

(3) APPEARANCE BEFORE THE BOARD. The applicant may 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.

Psy 3.03 REQUIREMENTS FOR PERSONS HOLDING A LICENSE FOR THE PRIVATE PRACTICE OF SCHOOL PSYCHOLOGY IN ANOTHER STATE. Applicants who are licensed in another state must meet the requirements of s. Psy 3.01. However, the examination on the practice of school psychology shall be waived if the standards of the licensing authority of the other state were substantially equivalent to the standards of this state at the time of initial licensure, and if the applicant submits proof of completion of at least 40 contact hours of approved continuing education within 2 years prior to application.

Psy 3.04 SCHEDULING OF EXAMINATIONS. (1) Examinations shall be held at least twice a year at a time and place designated by the board. Notice of the next scheduled examinations may be obtained by contacting the department.

(2) No applicant may be admitted to the examination on the elements of practice essential to the public health, safety and welfare unless the requirements stated in s. Psy 3.01 (1) to (10) have been met before the first day of the month immediately prior to the board meeting preceding the date of the examination.

Psy 3.05 UNAUTHORIZED ASSISTANCE. The board may withhold the score of an applicant who gives or receives unauthorized assistance during examinations. The board may consider this applicant for retesting at a future time.

Psy 3.06 CONTROLS. The board chairperson or proctor may announce time limits and other necessary controls prior to the examinations.

Psy 3.07 PASSING GRADE. (1) EXAMINATION ON THE PRACTICE OF SCHOOL PSYCHOLOGY. To pass the examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. The board may adopt the passing grade recommended by the national association of school psychologists.

(2) EXAMINATION ON ELEMENTS ESSENTIAL TO HEALTH, SAFETY AND WELFARE. To pass this examination, each applicant shall receive a score of 75 percent correct or above.

Psy 3.08 FAILURE AND REVIEW. (1) An applicant who fails the examination on elements essential to health, safety and welfare may request a review of that examination. The applicant must file a written request to the board within 30 days of the date on which examination results were mailed or reported.

(2) The time for review shall be limited to time allowed for examination administration.

(3) The examination shall be reviewed only by the applicant and in the presence of the proctor.

(4) The proctor shall not respond to inquiries by the applicant regarding allegations of examination error.

(5) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a subsequent hearing.

(6) An applicant may review the examination only once.

Psy 3.09 CLAIM OF EXAMINATION ERROR. (1) An applicant wishing to claim examination error must file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address.

(b) The type of license applied for.

(c) A description of the perceived error, including specific questions or procedures claimed to be in error.

(d) The facts that the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, the applicant may request a hearing under s. RL 1.05.

Psy 3.10 REEXAMINATION. An applicant who fails an examination may apply for reexamination.

#### CHAPTER PSY 4 (title)

#### REQUIREMENTS FOR RENEWAL

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 ch. 440.05 (3), Stats., and shall meet the continuing education requirements specified in s. Psy 4.02.

Psy 4.02 CONTINUING EDUCATION. (1) REQUIREMENTS FOR CONTINUING EDUCATION. (a) Every licensee shall complete at least 40 contact hours of board-approved continuing education in each biennial registration period, as specified in s. 455.06, Stats.

(b) Continuing education hours may apply only to the biennial registration period in which the continuing education hours are acquired, unless permission has been granted by the board to apply contact hours to the previous biennium to satisfy requirements for reinstatement of a license that has been allowed to lapse.

(c) To meet the continuing education requirement, a licensee shall submit to the board a certificate of attendance.

(d) A licensee who fails to meet the continuing education requirements by the renewal deadline shall cease and desist from practice.

(e) During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements.

(f) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 hours of continuing education approved by the board within 2 years prior to application.

(2) APPROVAL OF CONTINUING EDUCATION PROGRAMS. (a) To apply for approval of a continuing education program, a sponsor shall submit to the board the title, a general description and outline of the program, the dates, the location, and the name and qualifications of the instructor of the program.

(b) An application for a continuing education program shall be approved if all of the following criteria are met:



1. The subject matter is psychology or relevant to the practice of psychology.

2. The sponsor agrees to monitor the attendance and furnish to each participant a certificate of attendance.

3. The program has a competent sponsor as approved by the board.

(c) A separate application shall be submitted for each continuing education program approval request.

(d) Continuing education programs may include subject matter other than psychology; however, only the parts of the program that are psychology or relate to the practice of psychology shall be eligible for credit, if approved by the board.

(e) Decisions for board approval shall be made within 60 days of the board meeting following receipt of the request.

(3) APPROVAL OF ALTERNATE METHODS CONTINUING EDUCATION PROGRAMS. To obtain approval of an alternate continuing education program, a licensee shall submit to the board information including the title, general description and outline of the program, the dates, the location, and the name and qualifications of the instructor of the program. Self-developed programs of continuing education will be considered.

Psy 4.03 REINSTATEMENT OF A LAPSED LICENSE. 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 of the license. If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the continuing education requirements. If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make the inquiry authorized under s. 455.06 (2), Stats.

SECTION 2. Chapter Psy 5 is created to read:

CHAPTER PSY 5 (title)

CONDUCT

Psy 5.01 PROFESSIONAL CONDUCT. The practice of psychology is complex and varied and, therefore, allows for a broad range of professional conduct. The following acts constitute unprofessional conduct by applicants for licensure and licensees of the board and are prohibited. Complaints regarding these acts shall be investigated and may lead to disciplinary proceedings.

(1) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.

(2) Gross negligence in the practice of psychology.

DRAFT OF MAY 6, 1991

(3) Misrepresentation of professional competency by offering to perform services that are unwarranted on the basis of education, training, or experience.

(4) Performance of professional services inconsistent with training, education, or experience.

(5) Conviction of a crime or violation of any law the circumstances of which substantially relate to the circumstances of the professional practice of psychology.

(6) Undertaking or continuing professional services after having been adjudged incompetent by a court of law.

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

(8) Engaging in false, fraudulent, misleading or deceptive billing practices.

(9) Allowing professional judgment to be controlled by another.

(10) Aiding or furthering discrimination on the basis of race, color, sex, creed, national origin, ancestry, handicap or sexual orientation by means of service given to a client.

(11) Practicing or attempting to practice while the licensee has a physical or mental impairment, including impairment related to alcohol or other drugs, which is reasonably related to the licensee's ability to adequately undertake the practice of psychology in a manner consistent with the safety of patient or public.

(12) Revealing facts, data, information, records or communication received from a client in a professional capacity except in the following circumstances:

(a) With the informed consent of the client or the client's authorized representative; or

(b) With prior notification to the client at the time the information was elicited of the use and distribution of the information; or

(c) If necessary to prevent injury to the client or another person; or

(d) Pursuant to the lawful order of a court of law; or

(e) Use of case history material for teaching or research purpose, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client; or

(f) Where otherwise permitted or required under ss. 51.30 and 146.82, Stats.

(13) Failure to obtain written, informed consent from the client's or client's legal representative prior to the use of observation or electronic taping, recording or filming procedures.

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

(15) Failure to provide clients a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(16) Failure to provide clients a description of possible effects of proposed treatment.

(17) Failure to avoid dual relationships or relationships that may impair one's objectivity or create a conflict of interest. Dual relationships include treating employees, supervisees, close friends or relatives.

(18) Failure to conduct an assessment, evaluation, or diagnosis as a basis for treatment consultation.

(19) Employing or claiming to have available secret techniques or procedures that the licensee refuses to divulge.

(20) Engaging in experimental treatment or services without assuring objectivity through keeping adequate records and consulting with colleagues.

(21) In the conduct of research, failure to inform study participants of all features of the research that might reasonably be expected to influence willingness to participate; failure to ensure as soon as possible participants' understanding of the reasons and justification for methodological requirements of concealment or deception in the study; failure to protect participants from physical or mental discomfort, harm or danger, or to notify the participant of such danger; and failure to detect and remove any undesirable consequences to the participants resulting from research procedures.

(22) Failure to inform the client of financial interests which are not obvious and which might accrue to the licensee for referral to or for any use of service, product, or publication.

(23) Refusal upon request to advise the board of the nature of the specialties included within the licensee's practice.

(24) Refusal upon request to cooperate in a timely manner with the board's investigation of complaints lodged against the applicant or licensee of the board. Persons taking longer than 30 days to provide requested information will have the burden of demonstrating that they have acted in a "timely manner."

(25) Impersonation of another person holding a license issued by this or another board.

(26) Allowing another person to use one's license.

(27) Using fraud or deception in applying for a license.

(28) Violation of ch. 455, Stats., or any rule of professional conduct promulgated under ch. 455, Stats.

(29) Failure to notify the board of having a license, certificate, permit or registration granted by this or any other state for the practice of psychology or school psychology limited, restricted, suspended or revoked, or having been subject to other disciplinary action by the licensing or certifying authority thereof.

(30) For licensees of the board who are employed by a public agency and who also offer their services privately:

(a) Failure to inform the client that the client is entitled to the same service from the public agency.

(b) Failure to inform the client that the licensee is an employee of that same public agency.

(c) Failure to avoid a dual relationship.

(31) Failure to notify clients when service will be interrupted.

Psy 5.02 ACTIONS SUBSEQUENT TO DISCIPLINARY PROCEEDINGS. (1) In disciplinary proceedings that result in stipulation, 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.

(2) The following steps will be taken by the licensee of the board to protect the welfare of any clients affected by the board's action. These steps may include either or both of the following depending on the needs of the client and the nature of the disciplinary proceedings:

(a) Notification of clients regarding the termination of services by the subject of the board's action.

(b) Facilitation of the transfer of clients to other professionals who will be responsible for the clients' continuing care.

DRAFT OF MAY 6, 1991

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro), Stats.

Dated 7/12/91

Agency Oshe Kachit, Ph.D.  
Chairperson  
Psychology Examining Board

RULES-307  
5/6/91.

**RECEIVED**  
**JUL 12 1991**  
Revisor of Statutes  
Bureau

**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** July 12, 1991

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

**FROM:** Pamela Haack, Administrative Assistant  
Department of Regulation and Licensing

**SUBJECT:** Final Rulemaking Order

**RECEIVED**  
JUL 12 1991  
Revisor of Statutes  
Bureau

**Agency: PSYCHOLOGY EXAMINING BOARD**

**Clearinghouse Rule: 90-217**

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

Would you please publish these rules in the code.

Thank you.