

## Chapter Psy 3

## CONDUCT

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**Psy 3.01 Definitions.** The following definitions apply wherever the defined terms are found in this code.

(1) "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, as defined here, includes the term and concept of "patient".

(2) "Grossly negligent" means some higher degree of a failure to exercise ordinary care of judgment in a given situation. In other words, gross negligence or grossly negligent distinguishes between gross or grave acts of negligence as compared to less serious or more ordinary acts of negligence.

(3) "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.

(4) "Private practice of school psychology" is defined as: psychological evaluation, assessment, consultation and/or treatment practiced on the basis of education, training, and experience which has resulted in a certification at the highest level as a school psychologist by the department of public instruction, by persons licensed by the Wisconsin psychology examining board under ch. 455, Stats. Services offered by persons in the private practice of school psychology are offered for the primary dual purposes of improving the client's school adjustment and learning environment.

**History:** Cr. Register, September, 1977, No. 261, eff. 10-1-77; am. (intro.) and (1), r. and recr. (3), (4) (intro.) and (a), r. (4) (b) to (e), (5) and (6), Register, April, 1979, No. 280, eff. 5-1-79; am. (1), Register, November, 1988, No. 395, eff. 12-1-88.

**Psy 3.02 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 fraudulent and/or misleading advertising.

(2) Practicing of psychology in a grossly negligent manner.

(3) Misrepresentation of professional competency by offering to perform services that are clearly 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 in this state or any other jurisdiction, the circumstances of which substantially relate to the 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) Taking credit for work not personally performed.

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

(10) Failure or refusal to render professional services to a person because of race, color, sex, or creed.

(11) Aiding or furthering discrimination on the basis of race, color, sex, or creed by means of service given to a client.

(12) Practicing of psychology while under the influence of alcoholic beverages or drugs, except drugs prescribed, and in those doses specified, by a physician.

(13) Revealing facts, data, or information relating to a client, or the client's records obtained by the licensee of the board in a professional capacity, without the consent of the client or the client's duly authorized representative, or without having made certain at the time the information was elicited that the client understood the possible uses and distributions of the information; or with or without such consent, revealing such facts, data or information, unless necessary to prevent injury to the client or another person. However, this shall not be interpreted to mean that case history material cannot be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the individual or individuals involved.

(14) Failure to obtain written, informed consent from the client(s) or client(s)' legal representative(s) prior to electronically recording sessions with the client.

(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.

(16) Receiving or giving commissions, rebates, fee-splitting, kickbacks, or other forms of remuneration for referral, diagnosis, and treatment of clients.

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

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

(19) Offering services directly to a client who is receiving services from another mental health professional without informing the professional person(s) already offering services.

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

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

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

(23) In the conduct of research, failure to remove the possible harmful aftereffects of emotional stress as soon as the design of the research permits, or failure to inform prospective research subjects or their authorized representative fully of the danger of serious aftereffects, if such danger exists, before asking them to volunteer.

(24) Failure to inform the client of any financial interests that might accrue to the licensee for referral to any other service or for the use of any tests, books, apparatus, etc.

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

(26) 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".

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

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

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

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

(31) 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.

(32) For licensees of the board employed by a public agency who also offer their services privately, who thereby may create a conflict of interest, failing to inform the client that the client is entitled to those same services from the public agency.

(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.

History: Cr. Register, September, 1977, No. 261, eff. 10-1-77; am. Register, April, 1979, No. 280, eff. 5-1-79; am. (intro.), Register, July, 1983, No. 331, eff. 8-1-83; am. (5) and (15), cr. (33) and (34), Register, November, 1988, No. 395, eff. 12-1-88.

**Psy 3.03 Actions subsequent to disciplinary proceedings.** The following actions will be taken after disciplinary proceedings which result in reprimand:

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mand, suspension, revocation, or limitation of a license issued by this board.

(1) (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 agencies with which the subject of the disciplinary action has a professional relationship.

(2) The following action will be taken by the licensee of the board when disciplinary proceedings have led to any of the following: reprimand of a licensee or suspension or limitation of a license issued by the board:

(a) Steps will be taken 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:

1. Notification of clients regarding the termination of services by the subject of the board's action.

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

History: Cr. Register, April, 1979, No. 280, eff. 5-1-79.