



**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1995 ASSEMBLY BILL 389**

January 8, 1996 – Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT to repeal** 455.02 (1) (b), 455.02 (3) (a) 1. and 2., 455.04 (6) and 455.065  
2           (2); **to renumber and amend** 455.01 (5), 455.02 (1) (a) and 455.02 (2); **to**  
3           **consolidate, renumber and amend** 455.02 (3) (a) (intro.) and (b); **to amend**  
4           455.01 (7) (a), 455.06, 455.065 (1), (3) and (4), 455.09 (1) (e) and 455.10; **to**  
5           **repeal and recreate** 455.02 (title); and **to create** 455.01 (3m), 455.01 (5) (b)  
6           and (c), 455.02 (1m) and 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (k), (L),  
7           (m) and (n) of the statutes; **relating to:** the regulation of the practice of  
8           psychology and granting rule-making authority.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

9           **SECTION 1.** 455.01 (3m) of the statutes is created to read:  
10           455.01 (3m) “Fee” means direct or indirect payment or compensation,  
11           monetary or otherwise, including the expectation of payment or compensation  
12           whether or not actually received.

13           **SECTION 2.** 455.01 (5) of the statutes is renumbered 455.01 (5) (intro.) and  
14           amended to read:

1           455.01 (5) (intro.) “Practice of psychology” means rendering to any person for  
2 a fee a psychological service involving the application of principles, methods and  
3 procedures of understanding, predicting and influencing behavior, such as the  
4 principles pertaining to learning, perception, motivation, thinking, emotions and  
5 interpersonal relationships; the methods and procedures of interviewing and,  
6 counseling in, psychotherapy, psychoanalysis and biofeedback; and the methods and  
7 procedures of constructing, administering and interpreting tests of mental abilities,  
8 aptitudes, interests, attitudes, personality characteristics, emotion and motivation.  
9 The application of ~~said~~ these principles and methods includes, but is not restricted  
10 to: ~~psychological diagnoses,~~ all of the following:

11           (a) Diagnosis, prevention, and amelioration treatment of adjustment problems  
12 in behavioral, vocational, educational, emotional, sexual, neuropsychological and  
13 mental disorders; ~~hypnosis; educational and vocational counseling; personnel~~  
14 ~~selection and management; the evaluation and planning for effective work in~~  
15 ~~learning situations; advertising and market research; and the resolution of~~  
16 ~~interpersonal and social conflicts.~~

17           **SECTION 3.** 455.01 (5) (b) and (c) of the statutes are created to read:

18           455.01 (5) (b) Treatment for alcohol and other substance abuse, disorders of  
19 habit and conduct, and the psychological and behavioral aspects of physical illness,  
20 accident or other disabilities.

21           (c) Any other activity authorized by statute or by rules promulgated by the  
22 examining board.

23           **SECTION 4.** 455.01 (7) (a) of the statutes is amended to read:

24           455.01 (7) (a) A person makes a representation to be a psychologist when the  
25 person uses publicly any title or description of services incorporating the words

1 “psychology”, “psychological” or “psychologist”, and when the person makes a  
2 declaration to be trained, experienced or an expert in the field of psychology and  
3 offers to engage or engages in the practice of psychology for any person for a fee,  
4 ~~monetary or otherwise.~~

5 **SECTION 5.** 455.02 (title) of the statutes is repealed and recreated to read:

6 **455.02 (title) License required to practice; use of titles.**

7 **SECTION 6.** 455.02 (1) (a) of the statutes is renumbered 455.02 (3m) and  
8 amended to read:

9 455.02 **(3m)** (title) USE OF TITLES. ~~This chapter does not restrict exclusively to~~  
10 ~~licensed psychologists the rendering of services included within the practice of~~  
11 ~~psychology, but only~~ Only an individual licensed under s. 455.04 (1) may use the title  
12 “psychologist” or any similar title or state or imply that he or she is licensed to  
13 practice psychology, and only an individual licensed under s. 455.04 (4) may use the  
14 title “private practice school psychologist” or any similar title or state or imply that  
15 he or she is licensed to engage in the private practice of school psychology. Only an  
16 individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the  
17 public by any description of services incorporating the word “psychological” or  
18 “psychology”.

19 **SECTION 7.** 455.02 (1) (b) of the statutes is repealed.

20 **SECTION 8.** 455.02 (1m) of the statutes is created to read:

21 455.02 **(1m)** LICENSE REQUIRED TO PRACTICE. No person may engage in the  
22 practice of psychology or the private practice of school psychology, or attempt to do  
23 so or make a representation as authorized to do so, without a license issued by the  
24 examining board.

1           **SECTION 9.** 455.02 (2) of the statutes is renumbered 455.02 (2m) (f) and  
2 amended to read:

3           455.02 **(2m)** (f) ~~Nothing in this chapter restricts the activities and services of~~  
4 ~~a~~ A graduate student or psychological intern in psychology pursuing a course of  
5 study leading to a graduate degree in psychology at an accredited college or  
6 university in while working in a training program, if such his or her activities and  
7 services constitute a part of his or her the supervised course of study and such person  
8 he or she is designated by such a title such as “psychological intern”, “psychological  
9 trainee” or other title clearly indicating the training status appropriate to his or her  
10 level of training. The term “psychological intern” shall be reserved for persons  
11 enrolled in the doctoral program in psychology at an accredited college or university  
12 or engaged in a formal psychology internship program.

13           **SECTION 10.** 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (k), (L), (m) and (n)  
14 of the statutes are created to read:

15           455.02 **(2m)** EXCEPTIONS. (intro.) A license under this chapter is not required  
16 for any of the following:

17           (a) A person lawfully practicing within the scope of a license, permit,  
18 registration, certificate or certification granted by this state.

19           (b) A person providing psychological services as directed, supervised and  
20 inspected by a psychologist who has the power to direct, decide and oversee the  
21 implementation of the services provided.

22           (c) The performance of official duties by personnel of any of the armed services  
23 or federal health services of the United States.

24           (e) A person pursuing a course of study leading to a graduate degree in  
25 medicine, social work, marriage and family therapy or professional counseling at an

1 accredited college or university while working in a training program, if the person's  
2 activities and services constitute a part of his or her supervised course of study and  
3 the person is designated by a title that clearly indicates the training status  
4 appropriate to the person's level of training.

5 (g) A person certified by the department of public instruction to provide  
6 psychological or counseling services, if the person is performing activities that are  
7 a part of the duties for which he or she is employed, is performing those activities  
8 solely within the confines of or under the jurisdiction of the school district by which  
9 he or she is employed and does not render or offer to render psychological services  
10 to the public for a fee over and above the salary that he or she receives for the  
11 performance of the official duties with the school district by which he or she is  
12 employed.

13 (h) A person who has a doctoral degree in psychology and who has met the  
14 examining board's requirements for predoctoral supervised experience under s. Psys  
15 2.09 (2), Wis. adm. code, while employed as a psychology resident by a clinic certified  
16 by the department of health and social services.

17 (i) An ordained member of the clergy of any religious denomination or sect who  
18 is associated with a church, synagogue or other religious organization, contributions  
19 to which are tax deductible for federal and state income tax purposes, if the member  
20 of the clergy is engaged in activities that are within the scope of his or her regular  
21 duties as a member of the clergy and that are not rendered to the public for a fee over  
22 and above the salary or other compensation that the member of the clergy receives  
23 for the performance of his or her official duties as a member of the clergy with the  
24 church, synagogue or religious organization with which he or she is associated.

1 (k) A person engaged in employment counseling or testing for other than  
2 therapeutic purposes.

3 (L) A mental health professional who has met all of the qualifications under s.  
4 HSS 61.96, Wis. adm. code, for employment as a mental health professional in an  
5 outpatient psychotherapy clinic certified by the department of health and social  
6 services under s. HSS 61.95, Wis. adm. code, if the person is performing activities  
7 that are a part of the duties for which he or she is employed by such a certified  
8 outpatient psychotherapy clinic and is performing those activities solely within the  
9 confines of or under the jurisdiction of the clinic by which he or she is employed.

10 (m) A person providing psychological services as an employe of a federal, state  
11 or local governmental agency, if the person is providing the psychological services as  
12 a part of the duties for which he or she is employed, is providing the psychological  
13 services solely within the confines of or under the jurisdiction of the agency by which  
14 he or she is employed and does not provide or offer to provide psychological services  
15 to the public for a fee over and above the salary that he or she receives for the  
16 performance of the official duties with the agency by which he or she is employed.

17 (n) A person coordinating or participating in the activities of a nonprofit peer  
18 support group, if the person performs those activities solely within the confines of the  
19 peer support group and does not render or offer to render psychological services to  
20 the public for a fee.

21 **SECTION 11.** 455.02 (3) (a) (intro.) and (b) of the statutes are consolidated,  
22 renumbered 455.02 (2m) (d) and amended to read:

23 455.02 (2m) (d) ~~Nothing in this chapter restricts or prevents activities of a~~  
24 ~~psychological nature and the use of the official title of the position for which they~~  
25 ~~were employed on the part of the following persons~~ A person employed in a position

1 as a psychologist or psychological assistant by an accredited college, junior college  
2 or university or other academic or research institution, if such persons are the person  
3 is performing those activities as that are a part of the duties for which they were he  
4 or she is employed, are is performing such those activities solely with within the  
5 confines of or under the jurisdictions of the organization institution in which they are  
6 he or she is employed and do does not render or offer to render psychological services  
7 to the public for a fee, monetary or otherwise, over and above the salary they receive  
8 that he or she receives for the performance of the official duties with the organization  
9 institution with which they are he or she is employed: (b). An individual acting under  
10 par. (a) this paragraph may, without obtaining a license under s. 455.04 (1) or (4),  
11 disseminate research findings and scientific information to others, such as  
12 accredited academic institutions or governmental agencies, or may offer lecture  
13 services for a fee.

14 **SECTION 12.** 455.02 (3) (a) 1. and 2. of the statutes are repealed.

15 **SECTION 13.** 455.04 (6) of the statutes is repealed.

16 **SECTION 14.** 455.06 of the statutes is amended to read:

17 **455.06 Renewals.** The renewal date and renewal fee for licenses issued under  
18 s. 455.04 (1) and (4) are specified under s. 440.08 (2) (a). An applicant for renewal  
19 of a license ~~with a renewal date that is on or after October 1, 1993,~~ shall include with  
20 his or her application proof of completion of continuing educational education  
21 programs or courses approved under s. 455.065 (2) (4) for the minimum number of  
22 hours required in the rules promulgated under s. 455.065 (1).

23 **SECTION 15.** 455.065 (1), (3) and (4) of the statutes are amended to read:

24 455.065 (1) Promulgate rules establishing the minimum number of hours of  
25 continuing education and, the topic areas that the continuing education must cover

1 ~~, the criteria for the approval of continuing educational education programs and~~  
2 ~~courses required for renewal of a license with a renewal date that is on or after~~  
3 ~~October 1, 1993 and the criteria for the approval of the sponsors and cosponsors of~~  
4 ~~those continuing education programs and courses.~~

5 (3) Promulgate rules establishing the minimum number of hours of continuing  
6 education and, ~~the topic areas that the continuing education must cover,~~ the criteria  
7 for the approval of continuing educational education programs and courses required  
8 for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4)  
9 (f) and the criteria for the approval of the sponsors and cosponsors of those continuing  
10 education programs and courses.

11 (4) Approve continuing educational education programs and courses in  
12 accordance with the criteria established under sub. ~~subs. (1) and~~ (3).

13 **SECTION 16.** 455.065 (2) of the statutes is repealed.

14 **SECTION 17.** 455.09 (1) (e) of the statutes is amended to read:

15 455.09 (1) (e) Accepts ~~commissions or rebates~~ a commission, rebate or other  
16 ~~forms~~ form of remuneration ~~fee~~ for referring persons to other professionals.

17 **SECTION 18.** 455.10 of the statutes is amended to read:

18 **455.10 Injunctive relief.** Violation of s. 455.02 (1) ~~(a)~~ may be enjoined in an  
19 action brought by the attorney general on petition by the examining board. In any  
20 such proceeding, it shall not be necessary to show that any person is individually  
21 injured by the actions complained of. If the respondent is found guilty of the  
22 violation, the court shall enjoin the respondent from further violations thereof until  
23 he or she has been duly licensed. The remedy given by this section is in addition to  
24 criminal prosecution under s. 455.11.

25 (END)