

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 04-021)

ORDER

An order of the Psychology Examining Board to repeal Psy 2.09 (5); to amend Psy 1.02 (3), 2.09 (1) (i), 4.02 (2) (intro.) and (c); and to create Psy 1.02 (9), and 5.01 (14) (d); relating to the definitions of client and psychological treatment, degree requirements, interim determination of degree requirements met, continuing education courses and professional conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 455.08 and 455.09, Stats.

Statutes interpreted: Sections 455.065, 455.08 and 455.09, Stats.

The minor changes treated by the rules herein concern qualifications for licensure, the scope of professional practice, continuing education and professional conduct. The Psychology Examining Board may promulgate these rules under s. 455.08, Stats., "The examining board shall adopt such rules as are necessary under this chapter and shall, by rule, establish a reasonable code of ethics governing the professional conduct of psychologists..." Section 455.09, Stats., also charges the board with protecting the safety and welfare of the citizens from unprofessional conduct. Section 455.065, Stats. requires that the board promulgate rules for continuing education. The Federal Government is not directly involved regulating state licensed psychologists. Illinois, Iowa, Michigan and Minnesota have extensive rules concerning licensure requirements; Iowa and Minnesota have rules concerning scope of practice and professional conduct. The proposed rules make minor changes to the present rules, move some statements to more natural places in the present rules, make explicit present policy, and make clarifications. Only minor substantive changes are made to present procedures. No significant fiscal effect on small businesses is anticipated.

SECTION 1. removes a reference to students as clients of psychologists. The language was added to the rule recently but it caused unforeseen problems of interpretation. The purpose of the removed language is now served by the creation of Psy 5.01 (14) in Section 6, which prohibits sexual contact, etc., with students.

SECTION 2. adds explicit language to the administrative rules an interpretation regarding hypnosis and the practice of psychology that has long been followed by the Examining Board. The minutes of the meeting of the Psychology Examining Board of October 18, 2001 state, "QUESTIONS RELATING TO PRACTICE OF HYPNOSIS FOR THERAPEUTIC PURPOSES: The Board reviewed legal counsel's reply to Marta Gore, Ph.D. The practice of hypnosis for therapeutic purposes is considered the practice of psychology in Wisconsin." The rule clarifies that the use of hypnosis for smoking cessation or weight control and other non-therapeutic purposes is not regulated, but that the use of hypnosis for therapeutic purposes is restricted to licensed psychologists.

SECTION 3. creates language to clarify the meaning of the phrase "full-time residence," and adds instruction concerning multi-cultural differences to the substantive content area of "individual differences." Various institutions allow on-line education with minimal face-to-face contact with faculty and students. The Psychology Examining Board believes residency requirements will lead to student and faculty interaction which is essential to an adequate education in psychology.

SECTION 4. removes a provision that the Examining Board will provide an interim determination to licensure candidates prior to completion of all requirements.

SECTION 5. removes the phrase "at the post-licensure level" from the section describing acceptable continuing education programs. The language was added to the rule recently but it proved to be unclear and misleading.

SECTION 6. creates a prohibition against sexual contact, sexual conduct, or other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative between psychologists and persons whom they are teaching, supervising or instructing.

TEXT OF RULE

SECTION 1. Psy 1.02 (3) is amended to read:

Psy 1.02 (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. ~~When teaching services are provided, the term "client" includes students.~~ The term "client" includes the term and concept of "patient."

SECTION 2. Psy 1.02 (9) is created to read:

Psy 1.02 (9) "Psychological treatment" includes hypnosis used for therapeutic purposes other than smoking cessation or weight control.

SECTION 3. Psy 2.09 (1) (i) is amended to read:

Psy 2.09 (1) (i) 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 at the site of the institution granting the degree. 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, multicultural differences. In addition, all professional education programs in psychology will include course requirements in specialty areas.

SECTION 4. Psy 2.09 (5) is repealed.

SECTION 5. Psy 4.02 (2) (intro.) and (c) are amended to read:

Psy 4.02 (2) (intro.) APPROVAL OF CONTINUING EDUCATION PROGRAMS. The board shall approve all of the following programs and courses if relevant to the professional practice of psychology ~~at the post-licensure level~~:

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

SECTION 6. Psy 5.01 (14) (d) is created to read:

Psy 5.01 (14) (d) A person to whom the licensee is providing teaching, supervisory or other instructional services.

(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 _____

Agency _____

Mariellen Fischer, Ph.D., Chairperson
Psychology Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute this rule change.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stats.

Psy CR04-021 (Minor changes) Final Draft for Adoption 05-21-04