

CHAPTER 455

PSYCHOLOGY EXAMINING BOARD

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Cross-reference: See definitions in s. 440.01.

455.01 Definitions. In this chapter:

(2) "Doctoral degree in psychology" means a doctoral degree in a study which involves the application of principles of the practice of psychology. A doctoral degree granted as the result of study involving one or more of the areas of psychological practice recognized by the American psychological association or in any other field recognized by the examining board shall be considered a doctoral degree in psychology.

(3) "Examining board" means the psychology examining board.

(4) "Licensed psychologist" means a person holding a valid license under s. 455.04 (1).

(5) "Practice of psychology" means rendering to any person a psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing and counseling in psychotherapy; and the methods and procedures of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation. The application of said principles and methods includes, but is not restricted to: psychological diagnoses, prevention, and amelioration of adjustment problems in behavioral, emotional and mental disorders; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work in learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

(6) "Psychotherapy" means the use of learning, conditioning methods and emotional reactions in a professional relationship to assist persons to modify feelings, attitudes and behaviors which are intellectually, socially or emotionally maladjustive or ineffectual.

(7) (a) A person makes a representation to be a psychologist when the person uses publicly any title or description of services incorporating the words "psychology", "psychological" or "psychologist", and when the person makes a declaration to be trained, experienced or an expert in the field of psychology and offers to engage or engages in the practice of psychology for any person for a fee, monetary or otherwise.

(b) Nothing in this chapter restricts the use of the term "social psychologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a recognized educational institution, who has passed comprehensive examinations in the field of social psychology as part of the requirements for a doctoral degree or has had equivalent specialized training in social psychology and who has filed with the examining board a statement of the facts demonstrating compliance with this paragraph.

History: 1977 c. 192, 273, 418; 1989 a. 243

455.02 Limitations on persons not licensed. (1) (a)

This chapter does not restrict exclusively to licensed psychologists the rendering of services included within the practice of psychology, but only an individual licensed under s. 455.04 (1) may use the title "psychologist" or any similar title or state or imply that he or she is licensed to practice psychology, and only an individual licensed under s. 455.04 (4) may use the title "private practice school psychologist" or any similar title or state or imply that he or she is licensed to engage in the private practice of school psychology. Only an individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the public by any description of services incorporating the word "psychological" or "psychology".

(b) A licensed psychologist may employ persons as psychological assistants in conducting diagnostic testing and treatment techniques.

(2) Nothing in this chapter restricts the activities and services of a graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited college or university in working in a training program, if such activities and services constitute a part of his or her supervised course of study and such person is designated by such title as "psychological intern", "psychological trainee" or other title clearly indicating the training status appropriate to his or her level of training. The term "psychological intern" shall be reserved for persons enrolled in the doctoral program in psychology at an accredited college or university.

(3) (a) Nothing in this chapter restricts or prevents activities of a psychological nature and the use of the official title of the position for which they were employed on the part of the following persons, if such persons are performing those activities as part of the duties for which they were employed, are performing such activities solely with the confines of or under the jurisdictions of the organization in which they are employed and do not offer to render psychological services to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of the official duties with the organization with which they are employed:

1. Persons who hold a valid and current certificate as a school psychologist issued by the department of public instruction.

2. Persons employed in positions as psychologists or psychological assistants by accredited colleges, junior colleges or universities or by federal, state, county or municipal organizations.

(b) An individual under par. (a) may, without obtaining a license under s. 455.04 (1) or (4), disseminate research findings and scientific information to others, such as accredited academic institutions or governmental agencies, or may offer lecture services for a fee.

History: 1979 c. 162 ss. 30, 38 (7); 1989 a. 243

455.03 Temporary practice. A psychologist who is licensed or certified by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the examining board, are equiv-

alent to or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may offer services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under s. 455.04 (1). The psychologist shall report to the examining board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year.

History: 1989 a. 243

455.04 Licensure of psychologists and private practice school psychologists. (1) The department shall issue a psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) or, if sub. (3) applies, the fee specified in s. 440.05 (2), and is found by the examining board to meet all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.
- (c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have had at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to satisfying par. (c). However, the examining board may not adopt rules requiring an internship.
- (e) Pass the examination under s. 455.045 (1) (a). This paragraph does not apply to an applicant who is licensed as a psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).
- (f) Pass the examination under s. 455.045 (1) (b).

(3) The examining board may waive the requirements of sub. (1) (c) and (d) if a candidate holds a diploma of the American board of examiners in professional psychology, or holds a certificate or license of an examining board of some other state or territory or foreign country or province, if the standards of such other examining board are deemed by the members of this board to be equivalent to the standards of this state and like reciprocity is extended to holders of licenses issued by this state.

(4) The department shall issue a private practice school psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) and is found by the examining board to meet all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.
- (c) Have completed a program for the preparation of school psychologists resulting in a doctor of philosophy, doctor of psychology, doctor of education or education specialist degree, or consisting of a minimum of 60 graduate semester credits resulting in a master's degree in psychology.
- (d) Submit written verification from the supervising psychologist or a school official or administrator that the applicant has successfully completed one year of experience or internship in school psychology under the supervision of a school psychologist licensed by the department of public instruction.
- (e) Hold a regular license as a school psychologist issued by the department of public instruction.
- (f) Pass the examination under s. 455.045 (2) (a). This paragraph does not apply to an applicant who is licensed as a private practice school psychologist in another state if the applicant sub-

mits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).

(g) Pass the examination under s. 455.045 (2) (b).

(5) Applicants for licensure under subs. (1) and (4) may be required to appear before the examining board in person prior to licensure to allow the examining board to make such inquiry of them as to qualifications and other matters as it considers proper.

(6) Nothing in this chapter shall be construed to permit the examining board to grant limited or provisional licenses.

History: 1971 c. 213 s. 5; 1975 c. 198; 1977 c. 192; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 403; 1989 a. 243 ss. 6 to 9, 12, 13

455.045 Examinations. (1) The examining board shall administer the following examinations for psychologist licensure at least semiannually at times and places determined by the examining board:

- (a) A written examination on the practice of psychology.
- (b) A written examination in the elements of practice essential to the public health, safety or welfare.

(2) The examining board shall administer the following examinations for private practice school psychologist licensure at least semiannually at times and places determined by the examining board:

- (a) A written examination on the private practice of school psychology.
- (b) A written examination in the elements of practice essential to the public health, safety or welfare.

(3) The examining board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance on examinations under this section.

History: 1989 a. 243

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

History: 1977 c. 29; 1979 c. 162; 1989 a. 243; 1991 a. 39

455.065 Continuing education requirements. The examining board shall do all of the following:

(1) Promulgate rules establishing the minimum number of hours of continuing education and criteria for the approval of continuing educational programs and courses required for renewal of a license with a renewal date that is on or after October 1, 1993.

(2) Approve continuing educational programs and courses in accordance with the criteria established under sub. (1).

(3) Promulgate rules establishing the minimum number of hours of continuing education and criteria for the approval of continuing educational programs and courses required for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4) (f).

(4) Approve continuing educational programs and courses in accordance with the criteria established under sub. (3).

(5) Promulgate rules establishing the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health and social services for some or all hours of continuing education credits required under subs. (1) and (3). The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health and social services.

History: 1989 a. 243; 1991 a. 39; 1993 a. 445

455.07 Renewal fees. (2) The fee for renewal of a license under this chapter is specified under s. 440.08 (2) (a).

(3) The late renewal fees under s. 440.08 (3) (a).

History: 1977 c. 29; 1991 a. 39

455.08 Rules and code of ethics. 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, using as its model the "Ethical Standards of Psychologists", established by the American psychological association. The primary intent of this code shall be to assure that licensed psychologists limit their practices to those specialties in the field of psychology which they are qualified to practice. Every person who holds a license to practice psychology in this state shall be governed and controlled by such code of ethics. A written statement of the code shall be made available to all applicants for licensing, as well as all licensed psychologists, when amendments are made to those standards. Nothing in this chapter shall be construed to authorize the psychologist to engage in the practice of medicine.

455.09 Denial, limitation, suspension, revocation and reprimand. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may deny an application for a license, or may by order suspend for a period not exceeding one year, limit, revoke or impose probationary conditions upon a license or reprimand a licensee if the applicant or licensee:

(a) Subject to ss. 111.321, 111.322 and 111.335, is a felon.

(b) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of psychology or the private practice of school psychology while his or her ability to practice was impaired by alcohol or other drugs.

(c) Impersonates another person holding a license under this chapter or allows another person to use his or her license.

(d) Uses fraud or deception in applying for a license under this chapter.

(e) Accepts commissions or rebates or other forms of remuneration for referring persons to other professionals.

(f) Engages in the wilful, unauthorized communication of information received in professional confidence.

(g) Violates this chapter or any rule of professional conduct promulgated under this chapter.

(h) Is grossly negligent in the practice of his or her profession.

(2) A suspended license is subject to the requirements for renewal of the license under s. 440.08. The renewal of a suspended license does not entitle the licensee to any rights, privileges or authority conferred by the license while the license remains suspended.

(3) A revoked license may not be renewed. One year from the date of revocation of a license under this chapter, application may be made for reinstatement. The examining board may accept or reject an application for reinstatement. If reinstatement is granted, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee.

History: 1977 c. 125, 418; 1979 c. 162, s. 38 (7); 1981 c. 79 s. 17; 1981 c. 334 s. 25 (1); 1989 a. 243; 1991 a. 39

Petitioner is not entitled to present expert evidence indicating he or she previously testified truthfully when denying misconduct under (1) (g). *Davis v. Psychology Examining Board*, 146 W (2d) 595, 431 NW (2d) 730 (Ct. App. 1988).

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

History: 1979 c. 162

455.11 Penalty. Any person who violates this chapter may be fined not more than \$200 or imprisoned not exceeding 6 months or both.