

PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Senate Committee on Public Benefits,
Licensing and State-Federal Relations

Senate Bill 378

October 24, 2019

First of all, I would like to thank you, Chairman Kapenga and committee members, for allowing me to testify before you concerning Senate Bill 378 relating to the practice of psychology.

Many of the best ideas for legislation do not come from legislators sitting around a table in Madison. They come from people all around the state who suggest change based on their knowledge and their day-to-day experience and activities.

The legislation we are discussing now is a good example. It came to my attention from two psychologists as part of the Red Tape Review process two sessions ago.

Because they are both with us today and will testify shortly, I will limit my remarks so you can hear directly from them and their professional colleagues who have made the trip to Madison. However, before I turn it over to them I want to make a general comment about the current law and mention one about the bill.

First, Wisconsin's current psychology statute has not been revised since 1994, twenty-five years ago. A lot has happened in that period, and the changes we are proposing today are designed to revise our statute so we can move the state forward.

Second, I'll briefly highlight one of the changes the bill makes. It illustrates how a simple change can have a significant effect. The bill allows psychologists who have a PhDs to obtain an interim license while they complete the supervised training required by statute. This simple change enables psychologists to transition more easily from the classroom to the workplace, where we especially need them.

Other proposed changes also remove unneeded regulations and artificial restrictions. I am very pleased psychologists from around the state have joined us today to address these matters.

Thanks again for hearing this bill. If you have any questions for me, I would be happy to discuss them.

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Alberta Darling
Wisconsin State Senator
Co-Chair, Joint Committee on Finance

Testimony before the Senate Committee on Public Benefits, Licensing
and State-Federal Relations
Senate Bill 378
Thursday, October 24, 2019

Thank you Chairman Kapenga and committee members for holding a public hearing on Senate Bill 378. The legislation before you today seeks to modernize the state's psychology licensure laws which have not kept up with the profession since enactment in 1994.

Mental health needs are rapidly growing in our state. In 2016, Mental Health America ranked Wisconsin 44th in the nation for youth mental health. This report demonstrates both a high rate of mental illness and low access to treatment. Wisconsin needs to implement reforms in order to respond to growing mental health crisis.

Senate Bill 378 removes barriers that make it difficult for health care organizations to hire psychologists, for psychologists to enter the workplace, and for people in Wisconsin to receive mental health services. It is our hope that this bill will put more qualified psychologists into the workforce faster, thus opening access to mental health services statewide.

This legislation is the product of a collaborative effort from Wisconsin's Psychology Examining Board and the Wisconsin Psychology Association with the goal of bringing Wisconsin statutes into the 21st century to better address the challenges facing our state.

I would like to thank Representative Tittl for his leadership on this issue. Thank you committee members for holding a hearing on SB 378, and I hope I can count on your support.



October 23, 2019

Senator Chris Kapenga
Chair, Committee on Public Benefits
Licensing and State-Federal Relations
15 South
State Capitol
P.O. Box 7882
Madison, WI. 53707-7882

Dear Senator Kapenga,

I am writing to you as both a psychologist and the President of the Wisconsin School of Professional Psychology in support of SB 378 relating to the practice of psychology. This bill contains provisions that return our licensing laws to a level that is on par with neighboring states and national standards. This is critical to Wisconsin psychologists if they are to be competitive with psychologists in neighboring states. This bill also contains provisions needed to facilitate the licensure of new psychologists. Not only will this help these young psychologists to enter the job market more quickly, but it will also address the shortage of trained mental health professionals. Therefore, I am urging you to support this important bill.

This bill contains provisions that are urgently needed to bring Wisconsin's requirements for licensure of psychologists up to national standards and equivalency with neighboring states. Presently, the requirements for education and supervised experience are *below* those of most states, including our neighbors. This may jeopardize the ability of Wisconsin psychologists to practice across state lines, and could prevent Wisconsin psychologists from providing telehealth services outside of Wisconsin. This will put the small businesses run by private practice psychologists in Wisconsin at a competitive disadvantage with psychologists in other states.

A second essential provision is the establishment of an interim license for new graduates in psychology. Such licensure will make it much easier for these new graduates to obtain employment, in the process obtain the year of supervised work experience needed for full licensure. There has also been growing concern about the difficulty citizens face in accessing competent mental health services. This measure will help increase the availability of highly trained mental health professionals.

Lastly, it is important to maintain standards for professional practice of psychology (that are consistent with those of states nationwide) so as to protect the welfare of our citizens. Poor and incompetent psychological services can certainly cause serious harm.

SB 378 is important for improving safeguarding the continued integrity of psychological practice and improving access to high quality psychological services. Feel free to contact me if I can be of any further help on this matter.

Respectfully,

Kathleen M. Rusch, PhD

Dr. Kathleen M. Rusch

President

Wisconsin School of Professional Psychology

Rusch.kathleen@wspp.edu

Andrew W. Kane & Associates, S.C.
Clinical, Consulting & Forensic Psychology
2815 North Summit Avenue
Milwaukee, Wisconsin 53211-3439

September 19, 2019

TO WHOM IT MAY CONCERN

Re: SB378, Pertaining to the licensure of psychologists.

I am writing to you to strongly urge your support of SB-378. The changes to the current licensure requirements are necessary for psychologists to be able to continue to practice across state lines, as they have for years. Forensic psychologists often need to cross state lines in order to practice their profession, and non-forensic psychologists sometimes have a patient or client temporarily in another jurisdiction.

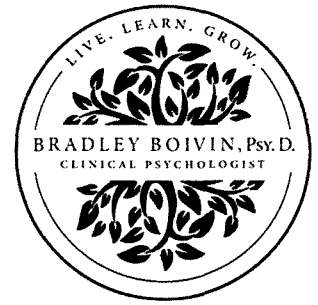
As a co-author of seven editions of **Psychological Experts in Divorce Actions**, published by Wolters Kluwer legal publishers, one of the sections I worked on for each edition has been a table listing the criteria for "interjurisdictional practice," i.e., whether a psychologist working in any of the 50 States or 10 Canadian Provinces is permitted to go to another of the 60 jurisdictions and conduct an evaluation, such as a child custody evaluation, and return at a later date to testify in court if necessary.

I have read the available statutes, rules, and other information on each of the 60 web sites, and have become familiar with the requirements for interjurisdictional practice. Virtually every jurisdiction **requires** that the psychologist visiting a given jurisdiction come from a state or province in which the requirements for professional **practice are equal to or greater than the requirements in the jurisdiction to which the psychologist wishes to go and conduct a psychological practice for a brief period of time.**

As you may know, Wisconsin administrative rules had to be changed due to Act 22 and Executive Order 50, because some key elements of the Code were not adequately supported by statute. As a result, educational requirements were weakened, and a pre-doctoral internship (1500 hours of supervised experience) could no longer be required. **Prior to** this change, a Wisconsin-licensed psychologist would have had no difficulty meeting the requirement that the standards for the Wisconsin license be equal to or greater than the requirements in the visited jurisdiction. SB 378 restores those standards so that Wisconsin is again on par with neighboring states and most other states in the U.S. and in Canadian provinces. If SB 378 is not passed, a Wisconsin psychologist would no longer be able to go to another American or Canadian jurisdiction to practice psychology on a temporary basis. Wisconsin psychologists would no longer be considered to have a license equal to or greater than that of virtually any other American or Canadian jurisdiction.

Andrew W. Kane, Ph.D., ABAP
Licensed Psychologist
Board-Certified Assessment Psychologist
Professor, Wisconsin School of Professional Psychology

October 24, 2019



Dear Chairman Kapenga and Committee Members:

I am writing to you in regard to Senate Bill 378.

While there are certain aspects of the bill that I support, I also have concerns with several parts of the bill and would like to formally present them below.

The bill **places undue pressure on pre-doctoral interns** to take the Examination on Professional Practice in Psychology (EPPP) at least 1 year earlier than what has historically been required. (*p. 15, Sec. 36; p. 16, Sec. 40*).

The bill **gives significant authority and influence to out-of-state professional organizations** - *American Psychological Association (APA)* and the *Association of Psychology Postdoctoral and Internship Centers (APPIC)** - that are not regulatory bodies and do not represent the interests of Wisconsin citizens. (*p. 12, lines 8-12; p. 14, lines 18-21*).

The bill **expands the scope of licensure beyond the *clinical treatment of mental disorders*** by requiring that individuals be licensed in order to use their knowledge of psychology to consult with groups and organizations (e.g., churches, schools, business, political campaigns, mental health providers, lawyers, etc.). It should be noted that individuals who leave clinical practice, or do not pass the EPPP, often provide consulting services in order to earn a living. Requiring licensure to provide this service would unnecessarily restrict individuals from using their knowledge of psychology to earn a living. This significantly expands the board's scope of authority and is arguably a significant overreach by the government that interferes with individuals' right to work. (*p. 8, lines 10-12; p. 9, lines 1-6*).

the bill creates **vague and overly broad language regarding requirements for supervised practice that does not account for the variability of training experiences among applicants**. For example, some applicants graduate from professional schools with as many as 4,000+ hours of supervised practice before beginning a post-doctoral fellowship, while others graduate with significantly less supervised practice hours. The number of supervised training hours required for licensure, and the conditions under which they should be acquired, should be clearly defined by statute. This would require the board to consider applicants' diversity of training, allowing for those with more supervision hours to qualify for licensure sooner rather than later (*p. 15, Sec. 33 and 34*).

The bill **expands the board's authority to take action against license holders based on mere allegations of mental or medical impairment and creates a procedure for doing so that lacks due process**. How would "reasonable cause" be established? What is the definition of impairment and how is it objectively measured? Even more concerning, the bill gives the board

the authority to both make the allegation and select the professional who will complete the assessment of the licensee. (pp. 20-21, Sec. 59).

The bill **allows unlicensed individuals to provide counseling services in certain settings** (e.g., educational or vocational settings) **while simultaneously restricting individuals with training in psychology from engaging in the same practice without a license**. It is unclear how these services would be regulated if provided by unlicensed individuals. Furthermore, the chapter does not define "counseling services" in this context. (p. 11, lines 6-8).

The bill **eliminates the school psychologist credential** and states that those who currently hold this credential "may" renew that license. Does this mean individuals who engage in the practice of school psychology will **no longer be required to be licensed**? If not, what credentialing body will regulate their practice? (p. 12, lines 15-18; p. 16, Sec. 38).

The bill **removes "licensed psychologist" from the definitions section of the chapter**. For the sake of clarity, both legally and practically, a definition for the credential itself seems necessary. (p. 8, line 1).

The bill **removes language that requires psychology programs to be at the "graduate degree" and/or "doctoral program" level**. It is unclear why this language is being removed. This should be given further consideration. (pp. 10-11, Sec. 20).

The bill **uses the term "predict"** in the definition of the "practice of psychology," which inaccurately represents the practice of psychology. Psychologists are not in the business of predicting. It is my opinion that this term should be removed. Further, it is also unclear why the practice of psychology in this bill, and the current chapter, only applies to services offered "**in exchange for a fee**." What about psychologists providing pro bono services? (pp. 8-9, Sec. 14).

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have follow-up questions.

Thoughtfully and respectfully,



Bradley Boivin, Psy.D.

Licensed Psychologist, Wisconsin
Health Service Psychologist, National Register



DEPARTMENT OF HEALTH AND HUMAN SERVICES
BEHAVIORAL HEALTH DIVISION

Milwaukee County

October 22, 2019

Dear Senator Kapenga,

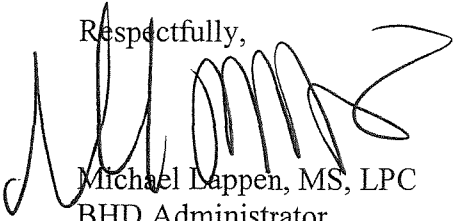
We are writing to you on behalf of the Milwaukee County Behavioral Health Division (BHD) in support of Senate Bill 378 relating to the practice of psychology. The BHD currently employs 13 psychologists and 2 psychology postdoctoral fellows, so this bill is extremely relevant to the clinical services that we provide. The bill contains provisions which return the psychology licensing laws to a level that is on par with neighboring states and national standards. This is critical to Wisconsin psychologists if they are to be competitive with psychologists in neighboring states. This bill also contains provisions needed to facilitate the licensure of new psychologists, which includes psychology postdoctoral fellows. Not only will this help these young psychologists to enter the job market more quickly, but it will also address the shortage of trained mental health professionals. Therefore, we are urging you to become a co-sponsor of this important bill.

This bill contains provisions that are urgently needed to bring Wisconsin's requirements for licensure of psychologists up to national standards and equivalency with neighboring states. Presently, the requirements for education and supervised experience are *below* those of most states, including our neighbors. This may jeopardize the ability of Wisconsin psychologists to practice across state lines and could prevent Wisconsin psychologists from providing telehealth services outside of Wisconsin. This will put the small businesses run by private practice psychologists in Wisconsin at a competitive disadvantage with psychologists in other states. A second essential provision is the establishment of an interim license for new graduates in psychology. Such licensure will make it much easier for these new graduates to obtain employment, in the process obtain the year of supervised work experience needed for full licensure. There has also been growing concern about the difficulty citizens face in accessing competent mental health services. This measure will help increase the availability of highly trained mental health professionals.

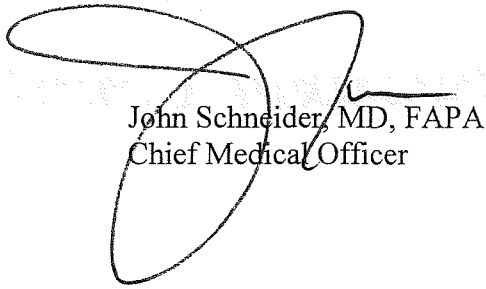
Lastly, it is important to maintain standards for the professional practice of psychology (that are consistent with those of states nationwide) so as to protect the welfare of our citizens. Poor and incompetent psychological services can certainly cause serious harm.

Please support Senate Bill 378. It is important for improving safeguarding the continued integrity of psychological practice and improving access to high quality psychological services. Feel free to contact us if we can be of any further help on this matter. I would appreciate it if you would let me know about your decision on co-sponsoring this legislation.

Respectfully,



Michael Lappen, MS, LPC
BHD Administrator



John Schneider, MD, FAPA
Chief Medical Officer

Senate Bill 378

Comments by:

Jennifer Michels, PhD ABPP

Board Certified Clinical Psychologist

Psychology Team Leader

Director of Training - Adult Clinical and Health Psychology Postdoctoral Fellowship

Adjunct Faculty - University of Wisconsin School of Medicine and Public Health

Marshfield Clinic Health System

Department of Psychiatry and Behavioral Health

Marshfield, Wisconsin

- Marshfield Clinic Health System currently has 55 clinic locations across the upper half of WI with a referral base of more than 2 million people and over 3.5 million patient encounters yearly. We know a lot about rural health care delivery and we particularly know a lot about the challenges of rural mental health care delivery.
- Senate Bill 378 is important legislation. The bill updates the current 25-year-old outdated statute to incorporate important changes in the provision of health care over the last 25 years.
- The bill returns psychology licensing standards in our state to a level equivalent to our neighboring states. This allows psychologists in WI to remain competitive in the marketplace with psychologists in our neighboring states.
- A particularly important provision in the bill establishes an interim license for psychology trainees. The interim license will make it easier for highly trained doctoral level psychology graduates to enter the workforce in WI and provide mental health services to our state population while they obtain one year of supervised postdoctoral experience required for final licensure.
- Postdoctoral fellows come into our fellowship program at Marshfield Clinic with a doctoral degree in psychology and anywhere between 3000 – 4000 hours clinical experience from graduate school training and internship. Yet, we can only credential these doctoral level trainees to provide care to Medicaid patients. They are unable to independently provide mental health treatment to our large population of Medicare and commercially insured patients, even though trainees are fully under the supervision of a licensed psychologist. At Marshfield Clinic Health System, roughly 35% of our total patient population are 65 and older and insured by Medicare. 35% are commercially insured. Big portions of the population cannot be served by these skilled trainees under that current statute.
- The interim license provision of this bill will encourage new doctoral psychology graduates to stay in WI after graduation.
- This bill helps our state address the shortage of qualified mental health providers by enabling new graduates to move through the training pipeline more easily.
- Thank you for your time, attention, and consideration of these important provisions of Senate Bill 378 that maintain quality standards in psychology, improve the psychology training pipeline in WI, and improve mental health care access for WI residents via an interim license for psychology postdoctoral fellows.



TO: The Honorable Members of the Senate Committee on Public Benefits, Licensing and State-Federal Relations

FROM: Heather M. Smith, PhD, ABPP-CG
Associate Professor
Department of Psychiatry and Behavioral Medicine
Medical College of Wisconsin

DATE: October 24, 2019

RE: Testimony in Support of Senate Bill 378, Relating to the Practice of Psychology

Good morning Chairperson Kapenga and members of the Senate Committee on Public Benefits, Licensing and State-Federal Relations. Thank you for holding a public hearing today on Senate Bill 378 (SB 378), legislation which will modernize Wisconsin's psychology laws, while removing barriers to providing high quality mental healthcare for patients in Wisconsin.

My name is Dr. Heather Smith. I am an Associate Professor within the Medical College of Wisconsin's (MCW) Department of Psychiatry and Behavioral Medicine, and Lead Psychologist at the VA Medical Center in Milwaukee. I am fellowship trained and board certified in the specialty of Clinical Geropsychology, and I have been licensed as a psychologist in Wisconsin since 2003. I am here today representing MCW's strong support for SB 378.

MCW is very grateful to Senator Darling and Representative Tittl for authoring and advancing this legislation. Both Senator Darling and Representative Tittl have long been champions for improving mental healthcare in Wisconsin, and we appreciate their advocacy on this important issue as well.

First, SB 378 allows for the updating of the Wisconsin licensure law to bring it into accord with the psychology licensure laws of the majority of other states. One of the current law's primary shortcomings is that the requirement for an internship is not part of, or even allowed, under the state statute. However, a year-long, full-time clinical internship is a minimum professional training standard for psychologists that is recognized by all professional organizations within the field, including the American Psychological Association, as well as by the licensing laws of other states. This bill addresses that deficiency.

The licensure provisions within the bill also enhance telepsychology, by allowing psychologists to provide greater continuity of care for patients who reside out-of-state for various periods of time (snowbirds, etc.), but who require ongoing psychological services. Whereas our current psychologist licensing law does not meet professional requirements for the practice of telepsychology, the proposed

bill would enable Wisconsin licensed psychologists to be recognized as telehealth providers by Psypact, which waives the provisions for licensure by each state in which we might have telehealth patients.

The bill also greatly enhances the training and retention of licensed psychologists in Wisconsin. Unlike other states, Wisconsin law does not allow for provisional licensing of post-doctoral applicants. This type of provisional licensing is analogous to the provisional license a physician obtains for a medical residency training program.

Unfortunately, the lack of a provisional license results in most post-doctoral trainees leaving Wisconsin for paid positions out-of-state, as these training programs are financially supported by the revenue generated while performing as provisionally licensed providers. This prohibition is also a significant barrier for MCW in regard to expanding our post-doctoral psychology fellowship training programs, as MCW assumes the financial burden of these offerings.

Under the bill however, the provisional licensing would create a revenue stream enabling healthcare systems to offset the expenses of providing the post-doctoral training required for full psychologist licensure. The provisional licensing will also prevent doctoral-trained providers from being forced to obtain a lower license (e.g., licensed professional counselor) in order to be employable while obtaining the supervised post-doctoral hours necessary for full psychologist licensure.

Through this systematic change, MCW will be more likely to retain our high-caliber post-doctoral fellows long term, and enhance the overall supply of providers for mental healthcare in Wisconsin, as well as improve MCW's ability to educate future practitioners throughout the entire continuum of psychology training.

From an educational and training perspective, the bill also elevates the quality standards of online programs, by requiring face-to-face supervision of doctoral students training in psychodiagnostic testing and psychotherapy for one year during any on-line program in which they participate. This allows for the appropriate training and development of clinical skills which cannot be adequately completed by a solely online learning platform.

Finally, the bill vests more discretion in the Psychology Examining Board to evaluate and determine options for demonstrating competency to practice. MCW believes that this type of licensure flexibility is an appropriate function of the examining board.

Thank you again for your time, attention, and consideration. I respectfully request your support for SB 387, and am happy to answer any questions you may have.