

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 02-124)

ORDER

An order of the Psychology Examining Board to repeal the Note following Psy 2.09 (1) (b); to amend Psy 1.02 (3), 2.01 (12), 2.07 (1) (intro.), 2.09 (3) (a) 1., 2., 3., 5., 7., (b) and (c), 2.12 (1) to (4), 3.01 (4), 3.07 (title) and (1), 3.09 (1) (intro.), 4.02 (1) (c), (2) (intro.), (c), (4) and (6), 4.03 (2), 5.01 (11), (24) and (31); to create a Note following Psy 2.09 (3) (b), 4.02 (2) (e) and (3), 5.01 (12) (g) and (33), relating to examinations, supervised experience, qualifications and responsibilities of supervisors, licensure by comity, reciprocity, holders of the certificate of professional qualification and senior psychologists, continuing education, renewal and professional conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

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

Statutes interpreted: ch. 455, Stats.

In this rule-making order the Psychology Examining Board makes many minor revisions to existing rules to remove inconsistencies and correct oversights. The board also extends the definition of “client” to include students in a teaching setting to clarify the need for supervision by a qualified psychologist when acquiring teaching experience, (Section 1) and creates two new bases of unprofessional conduct to require psychologists to cooperate with board investigations and to maintain adequate records (Sections 18 and 19).

Section 1.— include students in the definition of clients in a teaching setting.

Section 2. – eliminate a confusing reference to the requirements for licensure by comity.

Section 3. – clarify the examination that can be challenged.

Section 4. – repeal a Note.

Section 5. – emphasize the training aspect of supervised experience; remove the requirement that pre-doctoral training be appropriate to the intended area of practice; add a requirement that post-doctoral training be appropriate to the intended area of practice; prevents one person from supervising both pre- and post-doctoral experience; eliminate an obsolete

reference to “license-eligible” psychologists; add the ability of a supervisor to intervene; correct a grammar inconsistency; provide a more appropriate location for an explanatory note; and define additional supervisory responsibilities.

Section 6. – eliminate a confusing reference to the requirements for licensure by comity; add a requirement that applicants for licensure by reciprocity shall satisfy a continuing education requirement; add a requirement that applicants who hold a certificate of professional qualification (CPQ) shall satisfy a continuing education requirement; and add a requirement that applicants who are senior psychologists shall satisfy a continuing education requirement.

Section 7. – correct a grammar inconsistency and provide a more appropriate location for an explanatory note.

Section 8. – eliminate a confusing reference to the requirements for licensure by comity; add a requirement that applicants for licensure by reciprocity shall satisfy a continuing education requirement; add a requirement that applicants who hold a certificate of professional qualification (CPQ) shall satisfy a continuing education requirement; and add a requirement that applicants who are senior psychologists shall satisfy a continuing education requirement.

Section 9. – eliminate a meaningless word.

Section 10. – change the word “grade” to “score.”

Section 11. – clarify the examination that can be challenged.

Section 12. – clarify that certificates of attendance for continuing education are required only upon request; clarify that continuing education programs shall be relevant; and restrict certain types of continuing education courses.

Section 13. – grant continuing education credit for teaching and for publications.

Section 14. – clarify that certificates of attendance for continuing education are required only on request; eliminate an obsolete reference to self-developed programs; and add a limit on continuing education credit for publications.

Section 15. – impose a continuing education requirement upon reinstatement; and remove an unnecessary phrase.

Section 16. – replace the word “patient” with “client.”

Section 17. – acknowledge an additional legal limit on confidentiality.

Section 18. – require licensees to cooperate with the board; and clarify actions to be taken upon termination of practice.

Section 19. – add a recordkeeping requirement.

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 2.01 (12) is amended to read:

Psy 2.01 (12) For applicants licensed in another state ~~wishing to be exempted from the examination under sub. (7)~~, proof of completion of continuing education requirements as specified in s. Psy ~~2.12~~ 4.02.

SECTION 3. Psy 2.07 (1) (intro.) is amended to read:

Psy 2.07 Claim of examination error. (1) (intro.) An applicant wishing to claim examination error in the examination on elements essential to health, safety and welfare ~~must~~ shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

SECTION 4. The Note following Psy 2.09 (1) (b) is repealed.

SECTION 5. Psy 2.09 (3) (a) 1., 2., 3., 5., 7. and (b) are amended to read:

Psy 2.09 (3) (a) 1. A psychological trainee shall complete 3,000 hours of supervised experience as a prerequisite to licensure as a psychologist. All 3,000 hours ~~must~~ shall follow graduate work in psychology, either a master's in psychology or a minimum of 30 hours of doctoral level course work in psychology. These hours shall be accumulated at not less than 16 hours nor more than 40 hours per week. The 3,000 hours of experience shall be in a training setting and shall include the activities appropriate to the intended area of practice. It shall be the responsibility of the applicant to demonstrate the appropriateness of the setting and the activities to the intended area of practice.

2. The first 1,500 hours of the experience ~~should~~ shall be under the direction of one licensed psychologist who ~~satisfied~~ satisfies the requirements of pars. (b) and (c) and who shall be responsible for the integrity and the quality of the training. It shall be planned, organized and integrated, ~~and appropriate to the intended area of practice.~~ There shall be a minimum of 2 hours per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with services rendered directly by the trainee. There ~~must~~ shall also be at least 2 additional hours per week in learning activities such as: case conferences, seminars addressing practice issues, co-therapy with a staff person including discussion, group supervision or additional individual supervision.

3. The second 1,500 hours of the experience must shall be under the direction of a licensed psychologist who satisfies the requirements of pars. (b) and (c) and who shall be responsible for the integrity and the quality of the training. It shall be planned, organized and integrated, and appropriate to the intended area of practice, and include a minimum of ~~±~~ one hour per week of regularly scheduled formal face-to-face individual supervision with the specific intent of dealing with the services rendered directly by the trainee. For diversity of training, the supervisor of the pre-doctoral experience shall not continue as the primary supervisor of the post-doctoral experience.

5. To obtain a diversity of training, supervised experience may be supervised by other licensed ~~or license-eligible~~ psychologists, with the understanding that the licensed ~~or license-eligible~~ psychologist specified in ~~subd.~~ subds. 2. and 3. will continue to be responsible for the overall integrity and quality of the trainee's psychological work.

7. The supervisor shall have sufficient knowledge of the ~~supervisee's [trainee's]~~ trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client. The progress of the work ~~must shall~~ be monitored on a regular basis by the supervisor to ensure that legal, ethical, and professional responsibility is assumed by the supervisor for all services rendered, and the supervisor shall be able to intervene.

(b) *Qualifications of supervisor.* The trainee's primary supervisor shall be ~~a licensed psychologists~~ psychologist and shall have adequate training, knowledge and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have at least 3 years of post-licensure experience and shall have had training or experience in supervision of psychological work. The supervisor may not permit a trainee to engage in any psychological practice that the supervising psychologist cannot competently perform. Supervisors shall not be a relative by blood or marriage nor be involved in any other dual relationship which obliges the supervisor to the trainee.

SECTION 6. A Note following Psy 2.09 (3) (b) is created to read:

Note: Prior to October 1, 1999, supervisors were required to be licensed or license eligible. The requirement that the primary supervisor be a licensed psychologist applies to supervised experience commenced after October 1, 1999.

SECTION 7. Psy 2.09 (3) (c) is amended to read:

Psy 2.09 (3) (c) *Responsibility of supervisor.* All supervisors shall be legally and ethically responsible for the activities of the psychological trainee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall be able to interrupt or stop the trainee from practicing in given cases and to stop the supervisory relationship if necessary. All supervisors of the trainee shall be required to provide a written evaluation of the supervised experience and the trainee's competence. Prepared evaluations or reports of progress, including strengths and weaknesses, shall be written and discussed with the trainee on at least a quarterly basis and shall be made available to the board upon the board's request.

SECTION 8. Psy 2.12 (1) to (4) are amended to read:

Psy 2.12 Requirements for persons holding a license to practice psychology in another state. (1) LICENSURE BY COMITY. Applicants who are licensed in another state ~~must~~ shall meet the requirements of s. Psy 2.01. ~~However, the examination on the practice of psychology shall be waived if the standards of the licensing authority of the other state were substantially equivalent to the standards of this state at the time of initial licensure, and if the applicant submits proof of completion of at least 40 contact hours of approved continuing education within 2 years prior to application.~~

(2) LICENSURE BY RECIPROCITY. Applicants who are licensed in another state which is signatory to the agreement of reciprocity of the ~~association of state and provincial psychology boards~~ Association of State and Provincial Psychology Boards, and who apply on or after the effective date that the board becomes signatory to that agreement, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10), ~~and~~ (11) and (12).

(3) LICENSURE OF HOLDERS OF THE CERTIFICATE OF PROFESSIONAL QUALIFICATION. Applicants who are licensed in another state who hold the certificate of professional qualification in psychology issued by the ~~association of state and provincial psychology boards~~ Association of State and Provincial Psychology Boards shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), (10), ~~and~~ (11) and (12).

(4) LICENSURE OF SENIOR PSYCHOLOGISTS. Applicants who have been licensed for 20 or more years in another licensing jurisdiction of the United States or Canada that had requirements for licensure substantially equivalent to the requirements for licensure in this state at the time of original licensure, and who have never been disciplined by the licensing board of any state or province, shall meet the requirements of s. Psy 2.01 (1), (2), (6), (8), ~~and~~ (11) and (12).

SECTION 9. Psy 3.01 (4) is amended to read:

Psy 3.01 (4) Documentation that the applicant holds a ~~regular~~ license as a school psychologist by the Wisconsin ~~department of public instruction~~ Department of Public Instruction under s. PI 3.53.

SECTION 10. Psy 3.07 (title) and (1) are amended to read:

Psy 3.07 (title) Passing grade score. (1) EXAMINATION ON THE PRACTICE OF SCHOOL PSYCHOLOGY. To pass the examination each applicant shall receive a grade score determined by the board to represent minimum competence to practice. The board may adopt the passing grade score recommended by the ~~national association of school psychologists~~ National Association of School Psychologists.

SECTION 11. Psy 3.09 (1) (intro.) is amended to read:

Psy 3.09 Claim of examination error. (1) (intro.) An applicant wishing to claim examination error in the examination on elements essential to health, safety and welfare ~~must~~ shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

SECTION 12. Psy 4.02 (1) (c), (2) (intro.) and (c) are amended to read:

Psy 4.02 (1) (c) To meet the continuing education requirement, a licensee shall submit to the board a certificate of attendance upon the board's request.

(2) APPROVAL OF CONTINUING EDUCATION PROGRAMS. (intro.) 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 13. Psy 4.02 (2) (e) and (3) are created to read:

Psy 4.02 (2) (e) Publishing a scholarly book or article in a peer-review journal relevant to psychology.

(3) CREDIT FOR TEACHING AND PRESENTING. Continuing education credit shall be granted for teaching and presenting any of the programs or courses in sub. (2) (a), (b), (c) or (d), but no credit will be granted for subsequent presentations of the same material.

SECTION 14. Psy 4.02 (4) and (6) are amended to read:

Psy 4.02 (4) PROOF OF ATTENDANCE AT CONTINUING EDUCATION PROGRAMS. Applicants for renewal shall ~~be asked to~~ certify their attendance at required continuing education, but are not required to submit certificates of attendance unless the board requests the applicant to do so. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

(6) LIMITATION ON CREDIT. The board may grant ~~no more than 20 hours of continuing education credit per biennium for self-developed continuing education programs, no more than 20 hours of credit for uncompensated evaluation assistance services, no more than 20 hours of credit for any combination of self-developed continuing education programs and uncompensated evaluation assistance services,~~ no more than 20 hours of credit for publishing a scholarly book or article, and no more than 20 hours of credit within any specific continuing education programs.

SECTION 15. Psy 4.03 (2) is amended to read:

Psy 4.03 (2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed 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 board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice school psychologist under s. 455.04 (4), Stats. ~~Notwithstanding any presumption of competency under this subsection, the~~ The examining board shall require each applicant under this subsection to have completed at least 40 hours of continuing education in the biennium preceding the application for renewal and to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

SECTION 16. Psy 5.01 (11) is amended to read:

Psy 5.01 (11) Practicing or attempting to practice while the licensee has a physical or mental impairment, including impairment related to alcohol or other drugs, which is reasonably related to the licensee's ability to adequately undertake the practice of psychology in a manner consistent with the safety of ~~patient~~ client or public.

SECTION 17. Psy 5.01 (12) (g) is created to read:

Psy 5.01 (12) (g) When required by federal or state law.

SECTION 18. Psy 5.01 (24) and (31) are amended to read:

Psy 5.01 (24) 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 or with any other request for information by 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."

(31) Failure to notify clients when service will be interrupted or terminated.

SECTION 19. Psy 5.01 (33) is created to read:

Psy 5.01 (33) Failure to maintain adequate records relating to services provided in the course of a professional relationship.

(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 _____

Chairperson
Psychology Examining Board

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3/24/03