

CHAPTER 455

PSYCHOLOGY EXAMINING BOARD

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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 this chapter which is not suspended or revoked.

(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 behav-

iors 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.

455.02 Limitations on persons not licensed.

(1) (a) This chapter does not restrict exclusively to psychologists the rendering of services included within the practice of psychology, but only a person licensed under this chapter may use the term "licensed psychologist" or represent himself or herself to the public by any title or description of services incorporating the words "psychological", "psychologist" or "psychology" and state or imply that he or she is licensed to practice 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

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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) Persons under par. (a) may, without obtaining a license under this chapter, disseminate their research findings and scientific information to others, such as accredited academic institutions or governmental agencies.

(4) A psychologist who is exempt from the licensing requirements of this chapter because of his or her employment may offer lecture services for a fee.

History: 1979 c. 162 ss. 30, 38 (7).

455.03 Temporary practice. A psychologist who is not a resident of this state, but who is licensed or certified by a similar examining board of another state or territory or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements of this chapter, or who meet the requirements of this chapter but resides in a jurisdiction which does not grant certification or licenses to psychologists may offer professional services in this state for not more than 60 days in any year without holding a license issued under this chapter. Such person shall report to the exam-

ining board the nature and extent of their practice in this state if it exceeds 20 days within a year.

455.04 Requirements for licensing. (1) A candidate for licensing as a psychologist shall:

(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) Have passed an examination prepared by the examining board on ethical issues in the professional practice of psychology. The examining board may not adopt rules requiring a candidate for licensure who holds 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 to take any examination other than that required under this paragraph.

(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 examining board shall grant a license to engage in the private practice of school psychology to any person who possesses certification at the highest level as a school psychologist from the department of public instruction. Only persons so licensed may engage in the private practice of school psychology. This subsection may not be construed to limit the

practice of school psychology in schools by persons certified by the department of public instruction. In this subsection "certification at the highest level" means the level of qualifications enumerated in Wis. Adm. Code section PI 3.20 (5) on July 1, 1977.

History: 1971 c. 213 s. 5; 1975 c. 198; 1977 c. 192; 1981 c. 380; 1981 c. 391 s. 211.

455.05 Application and licensing. (1) Any person desiring to obtain a license from the examining board shall file an application with the department. The application shall be accompanied by the fee prescribed by s. 440.05 (1) or (2), which fee shall not be refunded.

(1m) All applicants shall 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 deems proper.

(2) The department shall issue a license to all applicants who are found by the examining board to meet the requirements of this chapter and who have paid the fee provided in s. 440.05 (1) or (2).

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

History: 1977 c. 29 s. 1656 (37); 1977 c. 192

455.06 Renewals. (1) Licenses issued under this section expire on September 30 of the odd-numbered year following their issuance. A licensee shall, on or before its expiration date, apply for renewal to the department, accompanied by the fee specified in s. 440.05 (3).

(2) A person who fails to renew his or her license within 5 years after its expiration may not renew it, but may apply for and obtain a new license if the person meets the requirements of this chapter.

History: 1977 c. 29; 1979 c. 162

455.07 Fees. (1) The application fee for a license under this chapter shall be that specified in s. 440.05 (1) or (2).

(2) The fee for renewal of a license under this chapter shall be that specified in s. 440.05 (3).

(3) The delinquency fees shall be those specified in s. 440.05 (4) and (5).

History: 1977 c. 29.

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) Uses narcotics or alcohol beverages to an extent dangerous to himself, any other person or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.

(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 expiration and shall be renewed as provided in this chapter. Such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the practice of psychology.

(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).

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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.