



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
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**Governor Scott Walker      Secretary Dave Ross**

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

**PSYCHOLOGY EXAMINING BOARD MEETING**  
**Room 121A, 1400 E. Washington Avenue, Madison WI**  
**Contact: Dan Williams (608) 266-2112**  
**JUNE 26, 2013**

*Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-4)**
- B. Approval of Meeting Minutes of March 25, 2013 (5-8)**
- C. Administrative Matters – Discussion and Consideration**
  - 1) Paperless Initiative
  - 2) Staff Update
- D. Continuing Education Audit for the 2011-2013 Biennium (9-10)**
- E. Legislation/Administrative Rule Matters – Discussion and Consideration (11-12)**
  - 1) PSY2 (13-16)
  - 2) PSY4
  - 3) Executive Order 61 (17-18)
- F. Position Statements – Discussion and Consideration (19-20)**
  - 1) Therapy (21-28)
- G. Informational Matters (29-30)**
  - 1) Lehman Kessler Letter (31-32)
  - 2) Brickham Letter (33-34)
  - 3) Telehealth
  - 4) Job Ready Initiative
  - 5) Test Protocols

- H. Items Received **After Preparation** of the Agenda
- 1) Introductions, Announcements and Recognition
  - 2) Presentations of Petition(s) for Summary Suspension
  - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 4) Presentation of Proposed Final Decision and Order(s)
  - 5) Informational Item(s)
  - 6) Division of Legal Services and Compliance Matters
  - 7) Education and Examination Matters
  - 8) Credentialing Matters
  - 9) Practice Questions/Issues
  - 10) Legislation/Administrative Rule Matters
  - 11) Liaison Report(s)
  - 12) Speaking Engagement(s), Travel, or Public Relation Request(s)

I. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning s.19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

J. Monitoring Matters

K. Deliberation of Proposed Stipulation(s), Final Decision(s) and Order(s)

L. Review of Applications for Licensure **(35-36)**

- 1) Jacob Austin, Psy.D. **(37-68)**
- 2) Laura Bonsky, Psy.D. **(69-106)**
- 3) Nicholas Buhr, Psy.D. **(107-156)**
- 4) Jennifer Carrasco, Ph.D. **(157-196)**
- 5) Tamer Fawzy, Ph.D. **(197-238)**
- 6) Shelly Gallenberg, Psy.D. **(239-280)**
- 7) Dina Karvounides, Psy.D. **(281-324)**
- 8) Susan Mickel, Ph.D. **(325-402)**
- 9) Samantha Wildeman, Psy.D. **(403-460)**
- 10) Brennan Young, Ph.D. **(461-504)**
- 11) Angela Zapata, Ph.D. **(505-548)**

M. **Review of Additional Information Requested of Applicants for Licensure (35-36)**

- 1) Cheryl Buechner, Ph.D. – Reinstatement **(549-582)**
- 2) Shauna Ezell, Ph.D. **(583-614)**
- 3) Tracey Latza, Psy.D. **(615-618)**
- 4) Elena Petrova, Ph.D. **(619-624)**
- 5) Jessica Sawyer, Ph.D. **(625-630)**
- 6) Jillian Schuh, Ph.D. **(631-636)**
- 7) Linda Deters, Psy.D.
- 8) Laura Ely, Ph.D.
- 9) Mary Fitzpatrick, Ph.D.

N. **Oral Interview of Applicants for Licensure – Final Approval for Licensure (637-638)**

- 1) Linda Deters, Psy.D.
- 2) Laura Ely, Ph.D.
- 3) Shauna Ezell, Ph.D.
- 4) Mary Fitzpatrick, Ph.D.
- 5) Malekeh Hakami, Ph.D.
- 6) Sharon Kelley, Psy.D.
- 7) Bryan Kolberg, Psy.D.
- 8) Tracey Latza, Psy.D.
- 9) Jennifer Muehlenkamp, Ph.D.
- 10) Frank Orosz, Ph.D.
- 11) Elena Petrova, Ph.D.
- 12) Jessica Sawyer, Ph.D.
- 13) Jillian Schuh, Ph.D.

O. Deliberation of Administrative Warning(s)

P. Division of Legal Services and Compliance

- 1) Case Status Report **(639-640)**
- 2) Case Closings

Q. Deliberation of Items Received **After Preparation** of the Agenda

- 1) Application Issues and/or Reviews
- 2) Monitoring Matters
- 3) Proposed Stipulations, Final Decisions and Orders
- 4) Administrative Warnings
- 5) Orders Fixing Costs/Matters Related to Costs
- 6) Proposed Final Decisions and Orders
- 7) Petitions for Summary Suspension
- 8) Petitions for Re-hearings
- 9) Case Closings
- 10) Education or Examination Matters
- 11) Review Additional Information Requested of Applicants for Licensure
- 12) Oral Interviews of Applicants for Licensure – Final Approval for Licensure
- 13) Review of Applications for Licensure
- 14) Supervision Reviews
- 15) Credential Issues
- 16) Appearances from Requests Received or Renewed
- 17) Motions

R. Consulting with Legal Counsel

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

DLSC – Signatures for Orders

**ADJOURNMENT**

**PSYCHOLOGY EXAMINING BOARD  
MEETING MINUTES  
MARCH 25, 2013**

**PRESENT:** Bruce Erdmann, Ph.D.; Daniel Schroeder, Ph.D.; Melissa Westendorf, J.D., Ph.D.

**PRESENT VIA TELECONFERENCE:** Rebecca Anderson, Ph.D.;

**STAFF:** Dan Williams, Executive Director; Pamela Stach, Legal Counsel; Matt Niehaus, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Bruce Erdmann, Ph.D., Chair, called the meeting to order at 11:18 a.m. A quorum of four (4) members was present.

**ADOPTION OF AGENDA**

- Item L (closed session) add **“L.13 - Sharon Kelley-Franco”**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MEETING MINUTES OF FEBRUARY 6, 2013**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to approve the minutes of February 6, 2013 as published. Motion carried unanimously.

**POSITION STATEMENTS**

**Confidentiality/Liability**

**MOTION:** Daniel Schroeder moved, seconded by Rebecca Anderson, that DSPS staff keep position statements 1 and 2 as relates to Confidentiality/Liability on the website. The Board requests DSPS staff remove position statements 3, 4, 5, and 6 as relates to Confidentiality/Liability from the website. Motion carried unanimously.

**LEGISLATION/ADMINISTRATIVE RULE MATTERS**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to delegate the authority to Bruce Erdmann to draft and send a response to the letter of request from Senator John Lehman and Representative Fred Kessler. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), for the purpose of conducting oral interviews, reviewing monitoring requests, requests to extend practice, application reviews, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Rebecca Anderson, Ph.D.-yes; Bruce Erdmann, Ph.D.-yes; Daniel Schroeder, Ph.D.-yes; and Melissa Westendorf, J.D., Ph.D. Motion carried unanimously.

The Board convened into Closed Session at 12:10 p.m.

## RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:57 p.m.

## VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to affirm all motions made in closed session. Motion carried unanimously.

## MONITORING MATTERS

**MOTION:** Daniel Schroeder moved, seconded by Rebecca Anderson, to deny the request of Todd Hamilton, Psy.D for early termination of suspension. The Board grants the Department Monitor the authority to terminate the suspension effective 4/25/2013. **REASON FOR DENIAL:** Insufficient time under Board Order. Motion carried unanimously.

*Rebecca Anderson left the meeting at 12:22 p.m.*

*Rebecca Anderson rejoined the meeting at 1:22 p.m.*

## DELIBERATION OF PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)

**Scott Allen, Psy.D. (12 PSY 032)**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against of Scott Allen, Psy.D. (12 PSY 032). The Board refers the matter back to DLSC for further action. Motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF THE PETITION FOR REHEARING IN THE  
DISCIPLINARY PROCEEDINGS AGAINST RAYMOND G. LUECK, PSY.D. (DHA # SPS-12-  
0020; DLSC # 11 PSY 032)**

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to deny the petition in the matter of the disciplinary proceedings against Raymond G. Lueck, Psy.D. (DHA # SPS 12-0020; DLSC # 11 PSY 032). The Board recommends that Respondent petition the Department Monitor for appropriate modification of the Order for Board consideration. Motion carried unanimously.

**REVIEW OF ADDITIONAL INFORMATION REQUESTED OF  
APPLICANTS FOR LICENSURE**

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to accept the additional information submitted by:

- Rosemary Doyle, Psy.D.
- Julie Janecek, Ph.D.
- Sharon Gray, Ed.D.
- Christopher Daood, Ph.D.
- Elizabeth Hansen, Psy.D.
- Sarah Kohlstedt, Ph.D.
- Jamie Roberts, Psy.D.
- Shanda Wells, Psy.D.

Motion carried unanimously.

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to accept the additional information submitted by Keyona Walker, Psy.D. and Stacey Hoem, Ph.D. Motion carried. Recused: Bruce Erdmann.

*(Melissa Westendorf, Vice Chair, assumed the role of Chair as Bruce Erdmann recused himself from deliberation and voting on the matters concerning Keyona Walker, Psy.D. and Stacey Hoem, Ph.D.)*

**ORAL INTERVIEW OF APPLICANTS FOR LICENSURE  
FINAL APPROVAL FOR LICENSURE**

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to grant licensure to practice psychology to:

- John Bayless, Ph.D.
- Christopher Daood, Ph.D.
- Rosemary Doyle, Psy.D.
- Sharon Gray, Ed.D.
- Elizabeth Hansen, Psy.D.
- Julie Janecek, Ph.D.
- Sarah Kohlstedt, Ph.D.
- Sujatha Ramesh, Ph.D.
- Jamie Roberts, Psy.D.
- Shanda Wells, Psy.D.
- Erin Williams, Psy.D.

Motion carried unanimously.

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to grant licensure to practice psychology to Keyona Walker, Psy.D. and Stacey Hoem, Ph.D. Motion carried. Recused: Bruce Erdmann.

*(Melissa Westendorf, Vice Chair, assumed the role of Chair as Bruce Erdmann recused himself from deliberation and voting on the matters concerning Keyona Walker, Psy.D. and Stacey Hoem, Ph.D.)*

### **REVIEW OF APPLICATIONS FOR LICENSURE**

**MOTION:** Daniel Schroeder moved, seconded by Melissa Westendorf, to act upon the review of applications conducted on March 25, 2013 as noted in the application files.

- Linda Deters, Psy.D.
- Laura Ely, Ph.D.
- Shauna Ezell, Ph.D.
- Mary Fitzpatrick, Ph.D.
- Malekeh Hakami, Ph.D.
- Bryan Kolberg, Psy.D.
- Tracey Latza, Psy.D.
- Jennifer Muehlenkamp, Ph.D.
- Frank Orosz, Ph.D.
- Elena Petrova, Ph.D.
- Jessica Sawyer, Ph.D.
- Jillian Schuh, Ph.D.
- Sharon Kelley-Franco

Motion carried unanimously.

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE**

#### **Case Closings**

#### **12 PSY 037**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to close case #12 PSY 037 for Prosecutorial Discretion (P6). Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Melissa Westendorf moved, seconded by Daniel Schroeder, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:58 p.m.

**State of Wisconsin  
Department of Safety and Public Services**

**AGENDA REQUEST FORM**

Name and Title of Person Submitting the Request: Lydia Bridge, Education and Exams Associate		Date When Request Submitted: 6/17/2013	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>	
Name of Board, Committee, Council: Psychology Examining Board			
Board Meeting Date: 6/26/2013	Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	How should the item be titled on the agenda page? Continuing Education Audit for 2011-2013 Biennium	
Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	Is an appearance before the Board being scheduled? If yes, by whom? <input type="checkbox"/> Yes by _____ <input checked="" type="checkbox"/> No	Name of Case Advisor(s), if required:	
Describe the issue and action the Board should address: For discussion and consideration – the Office of Education and Examinations will conduct a random continuing education audit for Psychologist and School Psychologists following the license renewal deadline on September 30, 2013.			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
<u>Directions for including supporting documents:</u> 1. This form should be attached to any documents submitted to the agenda. 2. Documents submitted to the agenda must be single-sided. 3. Only copies of the original document will be accepted. 4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
Lydia Bridge			6/17/2013
Signature of person making this request			Date
Jill M. Remy			6/17/2013
Supervisor signature (if required)			Date
Bureau Director signature (indicates approval to add late items to agenda)			Date

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted: <b>6/17/13</b> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>WI PSYCHOLOGY EXAMINING BOARD</b>			
4) Meeting Date:  <b>6/26/13</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Legislative/Admin Rules matters – discussion and consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <ul style="list-style-type: none"> <li>• <b>Adoption of PSY2</b></li> <li>• <b>Review of PSY 4</b></li> <li>• <b>EO 61</b></li> </ul>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 12-055)

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ORDER

An order of the Psychology Examining Board to repeal Psy 2.12(2); and amend Psy 2.09(4) relating to applicant appearances.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** 455.04(5), Wis. Stats.

**Statutory authority:** 15.08(5)(b) and 455.08, Wis. Stats.

**Explanation of agency authority:** Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. The Psychology Examining Board shall adopt such rules as are necessary under chapter 455.

**Related statute or rule:** 455.04(5), Wis. Stats.

**Plain language analysis:**

Section 1 amends Psy 2.09(4) to reflect the statute provision which has a discretionary provision regarding appearances. Currently the rule requires every applicant to appear before the Board in person prior to licensure as a psychologist. The change will reduce the administrative burden of the resources of the Psychology Examining Board and the Department of Safety and Professional Services. It would also significantly reduce the time it takes an applicant to become licensed because the applicant would no longer have to wait until a scheduled meeting to make an appearance.

Section 2 repeals the provision for licensure by reciprocity for applicants who are licensed in another state which is a signatory to the agreement of reciprocity of the Association of State Provincial Psychology Boards. The reciprocity agreement requires an appearance before the Board as part of the licensing process. Currently there are only seven other signatory states (Arkansas, Kentucky, Missouri, Nebraska, Nevada,

Oklahoma and Texas). None of these states are neighboring states, therefore the change would not have a significant impact on applicants.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not require a personal appearance.

**Iowa:** Iowa does not require a personal appearance.

**Michigan:** Michigan does not require a personal appearance.

**Minnesota:** Minnesota does not require a personal appearance

**Summary of factual data and analytical methodologies:**

The Psychology Examining Board conformed the rule to the statute. No additional factual data or analytical methodologies were used.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

This rule creates a change which matches the statutory languages. The rule has a positive effect on applicants and does not have an effect on small business.

This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [Greg.Gasper@wisconsin.gov](mailto:Greg.Gasper@wisconsin.gov), or by calling (608) 266-8608.

**Agency contact person:**

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at [Sharon.Henes@wisconsin.gov](mailto:Sharon.Henes@wisconsin.gov).

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TEXT OF RULE

Section 1. Psy 2.09(4) is amended to read:

Psy 2.09(4) APPEARANCE BEFORE THE BOARD. The applicant ~~shall~~ may be required to appear before the board in person prior to licensure to allow the board to make such inquiry of them as to qualifications and other matters as it considers proper.

Section 2. Psy 2.12(2) is repealed.

Section 3. EFFECTIVE DATE. The effective date shall be the first day of the month following publication in the Wisconsin Administrative Register.

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(END OF TEXT OF RULE)

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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chair  
Psychology Examining Board

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June 12, 2013

Mr. Dan Williams  
State of Wisconsin  
Department of Safety and Professional Services  
1400 E. Washington Ave.  
Madison, WI 53703

Dear Mr. Williams:

This letter relates to a review of the implications Executive Order 61 that I have undertaken as the designated reviewer on behalf of the Psychology Examining Board. The scope of work with which I was charged was to review existing rules and identify provisions that could utilize one of the following methods to reduce the impact the rule has on small businesses:

1. The establishment of less stringent compliance or reporting requirements for small businesses.
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
3. The consolidation or simplification of compliance or reporting requirements for small business.
4. The establishment of performance standards for small businesses to replace design or operational standards required in the rule.
5. The exemption of small businesses from any or all requirements of the rule.

In carrying out my review, I examined the Psychology Codebook that is available on the DSPS website. As I reviewed the material, I did not find specific references to "small businesses." The material I reviewed referenced individual practitioners (i.e., psychologists) or community organizations (i.e., mental health centers).

Relative to Criteria 1, 2, 3, and 5, above, I did not find any items that would benefit from the methods referenced. Relative to Criteria No. 4, I did not find a coherent, explicit set of performance standards for psychologists who operate in "small businesses," other than references to "mental health centers." If my review was accurate, then this area might benefit from further investigation in order to document and define specific performance standards.

It should be noted that the Psychology Examining Board is investigating ways in which the licensing process might be streamlined by examining some elements (e.g., forms, interview, ethics examination) that might be fine-tuned or improved. Undoubtedly, modifications along these lines will positively impact the efficiency of the licensing process for psychologists, in the future.

Mr. Dan Williams  
June 12, 2013  
Page 2

Mr. Williams, that is a brief summary of the results of my inquiry. Please call upon me with comments or questions.

Sincerely,



Daniel A. Schroeder, Ph.D.  
Member, Psychology Examining Board  
Wisconsin Licensed Psychologist, No. 1854  
Diplomate, American Board of Professional Psychology, No. 6045  
Diplomate, American Board of Psychological Specialties, No. 14177

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted: <b>6/17/13</b> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Wisconsin Psychology Examining Board</b>			
4) Meeting Date:  <b>6/26/13</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Section Position Statements - Discussion and Consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <b>In 2013 the Board will review the Position Statements (practice FAQs) currently on the DSPS website (Psychology page) to determine whether they should remain, be revised, or pulled entirely. These statements were transferred over from the old website in November-2012.</b>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

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3) Name of Board, Committee, Council, Sections:  <b>WISCONSIN PSYCHOLOGY EXAMINING BOARD</b>			
4) Meeting Date:  <b>6/26/13</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Position Statements – discussion and consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <b>In 2013 the Board will review the Position Statements currently on the DSPS website (Psychology page) to determine whether they should remain, be revised, or pulled entirely. These statements were transferred over from the old website in November-2012.</b>  <b>This month the Board will look items listed within the category titled <u>'THERAPY'</u>.</b>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

## 2. THERAPY

### 1) **WHEN A PRACTITIONER GOES ON VACATION, SHOULD THE CLIENTS PROVIDE A RELEASE OF INFORMATION TO ALLOW A COVERING PSYCHOLOGIST ACCESS TO CLIENT RECORDS?**

Informed consent, which allows the client to ask questions and possibly object to the dissemination of any information, is always a good idea, even when it is not legally necessary. It can consist of an actual "release of information" form signed by the client(s), especially if reinforced in a progress note, or as progress note reference to discussion of the issue. Informing the client of vacation and on-call procedures in the initial treatment agreement provides another way to inform the client and elicit any concerns. These procedures are especially important for clinic settings and multi-provider practices have no requirement to obtain releases of information when they have an on-call or coverage system. State law allows, "Within the treatment facility...confidential information may be disclosed to individuals employed...at the facility when and to the extent that performance of their duties requires that they have access to such information." [\[Stats. 51.30\(4\)\(b\)\(6\)\]](#) While written releases are not required, respect and courtesy calls for a discussion of the process with active clients near the start of vacation. We also recommend that clients be advised of their right to refuse to talk with on-call coverage.

2. THERAPY

2) **SHOULD A PSYCHOLOGIST WHO IS LEAVING EMPLOYMENT CONTACT HIS/HER CLIENTS AND INFORM THEM OF THE CHANGE?**

There are a number of issues that must be considered including the [APA Ethical Principles and Code of Conduct](#), statutes that might apply to the particular employment setting (i.e., Wisconsin Certified Outpatient Mental Health Clinic), and any employment agreement that the psychologist might have with the employer. [The APA Ethical Principles and Code of Conduct](#) indicate that psychologists make reasonable efforts "...to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient." Likewise, [Psy 5.01\(31\)](#) states that psychologists must notify clients when service will be interrupted or terminated. Statutes or rules such as [DHS 35](#) or [Stats. 146.819](#) may define things such as ownership of the patient record. An individual psychologist's contract or employment agreement may also define what actions can be taken upon termination of employment, and may prohibit any attempts "to solicit" former clients/patients. All of the above must be considered, with the welfare of the client/patient being the primary concern.

2. **THERAPY**

3) **IS IT PERMISSIBLE TO ACCEPT GIFTS FROM CLIENTS?**

The rules of conduct do not explicitly prohibit receipt of gifts. When a proffered gift represents a therapeutic issue or a possible manipulation, psychologists must exercise competent professional judgment. Acceptance of valuable gifts may create the impression of client exploitation.

2. THERAPY

4) **MAY A PSYCHOLOGIST CONSULT WITH AND MAKE RECOMMENDATIONS TO A PATIENT AND HIS OR HER PRESCRIBING HEALTH CARE PROFESSIONAL REGARDING MEDICATION FOR THE PATIENT?**

Yes, the law allows a psychologist to consult with and provide recommendations to a patient or to a patient's prescribing health care professional regarding medication. The limitations that apply to these services apply to all services. A psychologist may only provide services that are consistent with the psychologist's training, education or experience. The psychologist also may not provide the health care prescriber with any patient information without a release from the patient. It is incumbent upon the psychologist to make sure that the patient understands that the psychologist may not prescribe medication and that the patient should rely on information about medication from his or her health care prescriber if the opinions of the psychologist and the health care prescriber differ. Further guidelines can be found in [Psy 5](#).

2. **THERAPY**

5) **CAN A PROVIDER SEND A COMMUNICATION TO THE BOARD ASKING  
ADVICE ON WHETHER OR NOT TO FILE A COMPLAINT?**

No, the provider should send the complaint to the Board and allow the Board to investigate the matter. The Board will not advise licensees about whether or not to file a complaint.

2. **THERAPY**

6) **ARE TELETHERAPY AND INTERNET THERAPY PERMITTED IN WISCONSIN?**

Both methods are considered a part of the “practice of psychology” as defined in [Stats. 455.01\(5\)](#). However, practice protections as noted in Stats [455.02\(1m\)](#) require a Wisconsin license to practice psychology in the state. Therefore, psychologists that are using teletherapy with Wisconsin residents must have a license from the Wisconsin Psychology Examining Board.

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted: <b>6/17/13</b> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>WI PSYCHOLOGY EXAMINING BOARD</b>			
4) Meeting Date:  <b>6/26/13</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Informational matters – discussion and consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed: <ul style="list-style-type: none"> <li>• <b>Lehman Kessler letter</b></li> <li>• <b>Brickham letter</b></li> <li>• <b>Telehealth</b></li> <li>• <b>Job Ready Initiative</b></li> <li>• <b>Test protocols - Dr. Erdmann received an inquiry as to what extent are test protocols and test related material part of a psychological record. Erdmann says the ethical guidelines and the PSY code of conduct a vague on this and wants the Board to have a discussion.</b></li> <li>• </li> </ul>			
11) <span style="float: right;">Authorization</span>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) <span style="float: right;">Date</span>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.</li> <li>3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.</li> </ol>			

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Date: May 8, 2013

To: State Senator John Lehman  
State Representative Fred Kessler

From: Bruce R. Erdmann, Ph.D.,  
Chair Wisconsin Psychology Examining Board

RE: Proposed Legislation, referenced in Memo dated Feb. 18, 2013

The Psychology Examining Board met on March 25, 2013 and, per your request, discussed your proposed legislation regarding the revocation of a concealed carry permit for individuals who posed a significant danger to themselves or others such that a duty to warn situation existed.

Our board applauds your efforts in this area and is pleased to know you are working to clarify the processes in this difficult area of law. We have no opinion about the process by which the department of justice may render a person ineligible for, or to revoke, a permit to carry a concealed weapon. We do have concerns about the preliminary draft you sent us as it pertains to the role of mental health providers. Primarily, restriction on a person's rights to concealed carry should not follow so directly from the provider's concerns. Any such responsibility should lie with law enforcement or a governmental entity, but the process should be distal from the initial provider concern. To explain our position better, we offer the following considerations.

- The duty to warn or protect is often a crisis in which the mental health professional has a plausible reason to believe that a person (usually a client) poses an imminent danger to another person's safety such that action is necessary.
- A sufficient threat means the person is ready to violate state laws, moral codes, and the rights of others and is not deterred by reasonable, rational arguments or choices.
- To a person making a viable threat, the loss of a permit for concealed carry may mean little more than giving him or her evidence that the mental health provider is another person who cannot be trusted.
- We are uncomfortable with the possibility that a mental health impression could have such wide-ranging effect on an individual, given the overall unpredictability of violence (see below). We would have no objection to this being a result of a law enforcement action, assuming they are in a better position to investigate the situation and assess the full range of facts.
- It is appropriate for mental health practitioners to contact local police or the sheriff's office when exercising a duty to protect, but contacting the attorney general's office to ascertain the existence of a concealed carry permit does not seem like a role for the practitioner. It may be wise for local law enforcement to have the option to check for such a possibility if they consider the threat viable.

The current statutes provide little guidance concerning the duty to warn or protect. My quick search through the statutes finds only one listing of the phrase "duty to warn" in a footnote in chapter 51. To the best of my knowledge, the criteria for taking a "duty to warn" action are loosely defined in case law or common law, and might benefit from statutory clarification. Therefore, we would welcome changes similar to what you propose as 448.117; 455.085; and 547.29, but would suggest altered language.

- A licensed [profession] who has a duty to warn others about a threat of harm by a client, whether arising under the common law, a statute, or a rule of professional conduct, may also <fulfill the duty by disclosing>, without the consent of the client, disclose the threat to the department of justice so that the client will be ineligible for a license as provided in s. 175.60 (3) (h) <the appropriate law enforcement agency>. A licensed [professional] is not liable for damages in any civil action for disclosing a threat under this section.

#### **RESOURCES:**

There are many possible sources of information for legislative language concerning the duty to warn. The following internet resources provide a few.

National Conference of State legislators

<http://www.ncsl.org/issues-research/health/mental-health-professionals-duty-to-warn.aspx>, which contains a link to a report: Mental Health Professionals' Duty to Warn

American Psychological Association amicus briefs on ability to predict dangerousness. See [http://search.apa.org/search?facet=documenttype%3aAmicus%20Brief&query=\"duty to warn\"](http://search.apa.org/search?facet=documenttype%3aAmicus%20Brief&query=\) for a listing of various Amicus briefs on this topic, and <http://www.apa.org/about/offices/ogc/amicus/emerich.pdf> for a sample specific amicus brief.

The American Psychiatric association has taken this position: *...While psychiatrists can often identify circumstances associated with an increased likelihood of violent behavior, they cannot predict dangerousness with definitive accuracy. Over any given period some individuals assessed to be at low risk will act violently while others assessed to be at high risk will not...*  
[see: <http://www.psychiatry.org/advocacy--newsroom/position-statements>, 2012, [Assessing the risk of violence](#) for the full statement]

Sent: Monday, June 10, 2013 10:14 AM  
Subject: Psychologist Licensure--accepting fees question

Dear Mr. Tomer,

I am in the process of finding a licensed psychologist supervisor to supervise me so that I may attain 1,500 post doc hours. I will not be attending a formalized post doc program, but rather seeking the supervision of a local licensed psychologist in private practice.

My questions are regarding the paper that is entitled, "Supervision requirements for licensure in Wisconsin", Then, underneath "Setting Elements", "Fees for client services may not be billed independently or accepted by the trainee" PSY 2.09(3)(a)8

Can I use a LPC license to bill for work with clients, and still count these hours for my 1500 post doc hours? (I am in the process of finishing the LPC application.)

If not, can I receive an hourly paycheck from a psychologist's office, who would be billing under my LPC license? (So, they would collect the funds for my work through the LPC license, but pay me an hourly wage.)

A colleague of mine, who received the psychologist licensure in the Fall of 2012, told me that her agency billed under her LPC, she received a paycheck, and then was able to attain licensure as a psychologist. Ultimately, I'm wondering how I can complete 1500 hours and possibly receive some type of pay for my work--especially since I have a psychologist who is interested in supervising me, but works in private practice. I appreciate all of your help.

Best Regards,  
Dana Brickham, PhD, CRC  
Lecturer, Rehabilitation Psychology  
University of Wisconsin-Madison  
[brickham@wisc.edu](mailto:brickham@wisc.edu)  
608.333.8723

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