



---

**PSYCHOLOGY EXAMINING BOARD MEETING**  
**Room 121C, 1400 East Washington Avenue, Madison, WI**  
**Contact: Dan Williams (608) 266-2112**  
**November 11, 2015**

*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 (1-3)**
- B. Approval of Meeting Minutes of August 6, 2015 (4-6)**
- C. Administrative Matters – Discussion and Consideration**
  - 1) Staff Update
  - 2) Board member – term expiration date
    - a. Rebecca Anderson – 7/1/2018
    - b. Marcus Desmonde – 7/1/2017
    - c. Daniel Schroeder – 7/1/2015 (reappointed, not yet confirmed)
    - d. David Thompson – 7/1/2018
    - e. Public Member 1: Vacant since 2011
    - f. Public Member 2: Vacant since 2012
- D. Legislation and Administrative Rule Matters – Discussion and Consideration (7-17)**
  - 1) Adopt Psy 4 Relating to Continuing Education **(8-14)**
  - 2) Proposals for Amending Psy 3 Relating to the Private Practice of School Psychology **(15)**
  - 3) Proposals for Amending Psy 5 Relating to Conduct **(16-17)**
  - 4) Update on Legislation and Pending or Possible Rulemaking Projects
- E. Speaking Engagement(s), Travel, or Public Relation Request(s)- Discussion and Consideration**
- F. Informational Items – Discussion and Consideration**
- G. Items Received After Preparation of the Agenda**
  - 1) Introductions, Announcements and Recognition
  - 2) Election of Board Officers
  - 3) Appointment of Board Liaisons
  - 4) Administrative Matters
  - 5) Education and Examination Matters
  - 6) Credentialing Matters
  - 7) Practice Matters
  - 8) Legislation/Administrative Rule Matters
  - 9) Liaison Report(s)

- 10) Informational Items
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decision and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.).**

I. **Education and Examination Matters**

- 1) **Continuing Education Extension Request**
  - a. Gerald Hollander, Ph.D. **(18-20)**
- 2) **Continuing Education Waiver Request**
  - a. Gary Loethen, Ph.D. **(21-75)**
  - b. Susan Sachsenmaier, Ph.D. **(76-95)**
  - c. Eric Anderson, Ph.D. **(96-99)**

J. **Deliberation on Proposed Stipulations, Final Decisions and Orders**

- 1) 13 PSY 009 – Charlene Kavanagh **(100-105)**
- 2) 15 PSY 012 – Michael Kotkin, Ph.D **(106-111)**

K. **Application Reviews**

- 1) Dr. Carol Brown – Online Program **(112-139)**
- 2) Dr. Larisa Hitchins - Reciprocity **(140-230)**

L. Deliberation of Items Received After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Administrative Warnings

- 10) Review of Administrative Warnings
- 11) Proposed Final Decisions and Orders
- 12) Matters Related to Costs/ Orders Fixing Costs
- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearings
- 20) Appearances from Requests Received or Renewed

M. 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

**ADJOURNMENT**

The next scheduled meeting is December 15, 2015.

**PSYCHOLOGY EXAMINING BOARD  
MEETING MINUTES  
August 6, 2015**

**PRESENT:** Rebecca Anderson, Ph.D.; Marcus Desmonde, Psy.D.; Daniel Schroeder, Ph.D.; David Thompson, Ph.D.

**STAFF:** Dan Williams - Executive Director; Sharon Henes – Administrative Rules Coordinator; Nilajah Madison-Head - Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Daniel Schroeder, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MEETING MINUTES OF MAY 13, 2015**

**MOTION:** David Thompson moved, seconded by Marcus Desmonde, to approve the minutes of May 13, 2015 as published. Motion carried unanimously.

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**Psy 2 Relating to Applications**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to authorize David Thompson to approve the preliminary rule draft of Psy 2 relating to applications for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Scope for Psy 5 Relating to Unprofessional Conduct**

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to approve the Scope Statement on Psy 5 relating to unprofessional conduct for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Marcus Desmonde moved seconded by David Thompson , to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.). Daniel Schroeder. read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rebecca Anderson, Ph.D.-yes; Marcus Desmond-yes; Daniel Schroeder-yes; David Thompson-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:42 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Rebecca Anderson moved, seconded by Marcus Desmonde, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:45 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** David Thompson moved, seconded by Rebecca Anderson, to affirm all motions made in closed session. Motion carried unanimously.

## **ORDER FIXING COSTS**

**Randi Erickson, Psy.D., Respondent (ORDER0002282)(DHA case # SPS-14-0078)(DLSC case # 14 PSY 024)**

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Randi Erickson, Psy.D., Respondent (ORDER0002282)(DHA case # SPS-14-0078)(DLSC case # 14 PSY 024). Motion carried unanimously.

## **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

### **Monitoring**

***Brian D. Mamott, Ph.D. – Requesting the Board Accept Petition for Voluntary Surrender (Impairment)***

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to table the petition for voluntary surrender of Brian D. Mamott, Ph.D. Motion carried unanimously.

**Case Closing(s)**

**14 PSY 038**

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to close DLSC case number 14 PSY 038 for Insufficient Evidence (IE). Motion carried unanimously.

**15 PSY 009**

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to close DLSC case number 15 PSY 009 for No Violation (NV). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Marcus Desmonde moved, seconded by David Thompson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:46 p.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b>  4 November 2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  Psychology Examining Board			
<b>4) Meeting Date:</b>  11 November 2015	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Legislation and Rule Matters – Discussion and Consideration</b> 1. Adopt Psy 4 Relating to Continuing Education 2. Proposals for amending Psy 3 Relating to the Private Practice of School Psychology 3. Proposals for amending Psy 5 Relating to Conduct 4. Update on Legislation and Pending and Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>4 November 4, 2015</i>	
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	
<b>Directions for including supporting documents:</b> 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

---

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 13-103

---

ORDER

An order of the Psychology Examining Board to repeal Psy 4.02; renumber Psy 4.03(intro) and Psy 4.03(2); renumber and amend Psy 4.03(1); amend Chapter Psy 4 (title); repeal Psy 4.02; and create Psy 4.015, 4.025, 4.035, 4.04, and 4.05 relating to psychology continuing education.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:** ss. 455.06 and 455.065, Wis. Stats.

**Statutory authority:** ss. 15.08(5)(b) and 455.065(1) and (3), Wis. Stats.

**Explanation of agency authority:**

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

Specifically, the board shall promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses, and the criteria for the approval of continuing education programs and courses required for the exemptions from the examination requirements under s. 455.04(1)(e) and (4)(f).

**Related statute or rule:** N/A

**Plain language analysis:**

The rule reorganizes and clarifies the continuing education requirements for psychologists.

SECTION 1 inserts the words “continuing education” into the title in order to provide an easy reference for licensees.

SECTION 2 creates a definition section.

SECTION 3 repeals the current continuing education requirements in order to reorganize and create clarity.

SECTION 4 This section is created to include the general continuing education requirements.

SECTIONS 5, 6 and 7 moves the current Psy 4.03 section to the end of the chapter. In addition, the section is amended to specify the number of continuing education hours which must be completed to renew a license which expired less than five years before the application for renewal.

SECTION 8 creates three new sections. The first section specifies approved continuing education. A psychologist may obtain continuing education as follows: completing courses from an organization approved by the American Psychological Association, National Association of School Psychologists or Canadian Psychological Association, courses sponsored by Wisconsin Psychological Association or Wisconsin School Psychologists Association, category I courses approved by the American Medical Association or the American Osteopathic Association, or courses approved in another state in which the licensee holder also holds a license or graduate level courses from an accredited college or university; teaching and presenting programs or courses; serving on a professional board or committee; authorship of a book, book chapter or article in peer reviewed journal; completing board certification; completing a master's or doctoral degree in psychopharmacology; providing supervision to trainees; and evaluation of community outpatient mental health programs. The second section provides postponement, waiver and exemptions to the continuing education requirements based upon hardship or retirement. The third section specifies records of continuing education must be kept for a minimum period of six years. In addition, the third section revises the current requirement for a mandatory audit of compliance with the continuing education requirements to instead allow a general audit to be conducted in the board's discretion.

SECTION 9 states an effective date of October 1, 2015 which is the start of the next biennium.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires each biennial 24 hours of continuing education and of those 24 hours at least 3 hours must be related to the ethics. Continuing education may be earned by participating in a course or program by an approved continuing education sponsor; completing postgraduate training programs; and for teaching in the field of psychology in an accredited college, university, graduate school or as an instructor of a program by approved sponsors. Postgraduate course and teaching courses have maximums as to the number to be counted towards the required 24 hours. Continuing education records are to be maintained for the previous 8 years. Illinois has provisions for waivers of continuing education for hardship.

**Iowa:** Iowa requires 40 hours of continuing education each biennium. For the second renewal period, licensees' continuing education must include 6 hours in either Iowa mental health laws

and regulations or risk management. For all subsequent renewals, licensees' continuing education must include 6 hours in any of the following: ethics, federal mental health laws, Iowa mental health laws or risk management. Board members may obtain continuing education hours based upon attendance and participation at board meetings. Continuing education may be earned as follows: mandatory reporter training; programs sponsored by the American Psychological Association or Iowa Psychological Association; approved workshops, conferences or symposiums; academic coursework; home study or electronically transmitted courses; scholarly research published in recognized professional publication; and preparing and teaching courses or programs. Iowa does not have provisions on hardship waivers.

**Michigan:** Michigan does not require continuing education for psychologists.

**Minnesota:** Minnesota requires 40 hours of continuing education each biennium. Continuing education may be earned as follows: developing and teaching an academic course; attending courses or presentations based on scientific, practice or professional standards foundations; graduate level courses in psychology; developing presentation, or taped or computerized materials based on scientific, practice or professional standards foundations; and authoring, editing or reviewing a psychological publication. Continuing education records must be maintained for 8 years after the renewal date. Variances may be granted for completion of continuing education outside the biennium. The board randomly audits a percentage of renewing licensees each month for compliance with continuing education.

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

The Board considered the Association of State and Provincial Psychology Board's recommendations for continuing education and the continuing education requirements of other states. In addition, the Board reviewed recent the audit results to determine what issues required clarification for the credential holders.

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

This rule was posted for 14 days for economic comments and none were received. The Board determines that the modification of existing rules to clarify continuing education requirements, which does not increase the requirement, does not create an effect on small business nor have an economic impact.

### **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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, 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.

---

TEXT OF RULE

SECTION 1. Chapter Psy 4 (title) is amended to read:

REQUIREMENTS FOR RENEWAL AND CONTINUING EDUCATION

SECTION 2. Psy 4.015 is created to read:

**Psy 4.015 Definitions.** In this chapter:

- (1) “Board” means Wisconsin Psychology Examining Board.
- (2) “Continuing education hour” means continuing education consisting of not less than 50 minutes.
- (3) “Ethics” means content consistent with one or more of the American Psychological Association’s ethical principles of psychologists.
- (4) “Jurisprudence” means content relating to laws and regulations affecting the practice of psychology.
- (5) “Professional activity” means any of the following:
  - (a) Serving on the American Psychological Association or its affiliated state psychological association committee or board.
  - (b) Serving on a state Psychology Examining Board.
  - (c) Serving on the National Association of School Psychologists or its affiliated state association committee or board.
  - (d) Serving on the American Board of Professional Psychology committee or board.
  - (e) Serving on the Association of Psychology Postdoctoral Internship Centers committee or board.
  - (f) Serving on the Association of State and Provincial Psychology Boards committee or board.
- (6) “Risk management” means content relating to the reduction of probability of incurring legal, regulatory or malpractice actions in the practice of psychology.
- (7) “Trainee” means a person who is obtaining appropriate experience in psychological work under supervision pursuant to s. 455.04(1)(d), Stats.

SECTION 3. Psy 4.02 is repealed

SECTION 4. Psy 4.025 is created to read:

**Psy 4.025 Continuing education.** (1) Unless granted a postponement or waiver under Psy 4.04, every licensee shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.

- (a) A minimum of 6 hours of the required 40 continuing education hours shall be in ethics, risk management or jurisprudence.
- (b) Continuing education hours completed in the topics of supervision or suicide prevention shall be calculated as 1.5 times the numbers of continuing education hours obtained.
- (2) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.
- (3) During the time between initial Wisconsin licensure and commencement of a full 2-year licensure period, licensees shall not be required to meet continuing education requirements.
- (4) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application. An applicant who first obtained licensure as a psychologist or private practice school psychologist less than 2 years prior to submitting the Wisconsin application is not required to meet this subsection

SECTION 5. Psy 4.03(intro) is renumbered to Psy 4.06(intro).

SECTION 6. Psy 4.03(1) is renumbered to Psy 4.06(1) and amended to read:

**Psy 4.06(1)** If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of ~~the~~ 40 continuing education hours completed within 2 years prior to renewal.

SECTION 7. Psy 4.03(2) is renumbered to Psy 4.06(2)

SECTION 8. Psy 4.035, 4.04 and 4.05 are created to read:

**Psy 4.035 Approved continuing education.** (1) The board shall approve all of the following programs and courses, if relevant to the professional practice of psychology:

- (a) Continuing education programs and courses sponsored by an organization approved by one of the following:
  - 1. American Psychological Association.
  - 2. National Association of School Psychologists.
  - 3. Canadian Psychological Association.
- (b) Continuing education programs and courses sponsored by one of the following:
  - 1. Wisconsin Psychological Association.
  - 2. Wisconsin School Psychologists Association.
- (c) Educational programs recognized as approved at the time of attendance as “category I” continuing medical education programs by the council on medical education of the American Medical Association or the American Osteopathic Association.
- (d) Continuing education courses approved by the psychology licensing board in another state where the psychologist is also licensed.
- (e) Graduate level courses of two semester or three quarter credits, or more, relevant to the professional practice of psychology offered by a regionally accredited college or university in which a person receives a passing grade shall be granted 20 continuing education hours.

(2) No more than eight hours of continuing education hours may be credited per day for courses and programs in par. (1)(a) through (d).

(3) Continuing education hours shall be granted for teaching or presenting any of the programs or courses in sub. (1) but no credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter shall receive 2 continuing education hours for each hour of presentation with a maximum of 20 continuing education hours per biennium.

(4) Continuing education hours shall be granted for professional activity consisting of 1 year of service with a minimum of 6 total contact hours. A licensee shall receive 6 hours of continuing education for each professional activity, with a maximum of 12 continuing education hours per biennium.

(5) Continuing education hours shall be granted for serving as a reviewer for a peer reviewed publication. A licensee shall receive 3 hours per publication, with a maximum of 12 continuing education hours per biennium.

(6) Continuing education hours shall be granted for first or second authorship of a publication relevant to psychology if the publication is contained in an academic or professional book or book chapter or peer-reviewed journal article. A licensee shall receive 10 continuing education hours per authorship, with a maximum of 20 continuing education hours per biennium.

(7) Continuing education hours shall be granted for earning board certification by the American Board of Professional Psychology. A licensee who successfully completes board certification shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the board certification process included at least six hours on those topics.

(8) Continuing education hours shall be granted for completion of a master's or doctoral degree in psychopharmacology from a regionally accredited college or university. Licensees who complete a master's or doctoral degree in psychopharmacology shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the coursework included those topics.

(9) Continuing education hours shall be granted for providing supervision to one or more psychological trainees. The supervisor shall receive 1 continuing education hour for every 4 hours of supervision, with a maximum of 20 continuing education hours.

(10) (a) Continuing education hours shall be granted for the evaluation of a community mental health program, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours in training required by the department of health services, are equal to one continuing education hour for the purposes of this section.

(b) A licensee wishing to apply for continuing education credit under this subsection shall register in advance with the board, and shall notify the board on a form provided by the board of the dates and the total number of hours in any biennium for which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order applicants are received.

**Psy 4.04 Postponement, Waiver and Exemptions** (1) A licensee may apply to the board for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

(2) The board may grant an exemption from the requirements of this chapter to a licensee who certifies to the board that the licensee has permanently retired from the practice of psychology or the private practice of school psychology.

(3) A licensee who has been granted an exemption from the requirements of this chapter based on retirement from the practice of psychology or the private practice of school psychology may not return to active practice without submitting evidence satisfactory to the board of having completed 40 credits of continuing education hours obtained within 2 years prior to the return to the practice of psychology.

**Psy 4.05 Record Keeping and Audits** (1) A licensee shall retain for a minimum period of 6 years and shall make available to the board or its agent upon request all the following proof of continuing education that applies to the licensee:

(a) Certificate of attendance issued by the program sponsor. The certificate shall include the name of the licensee, date of attendance, sponsor name, hours and title of course.

(b) Unofficial transcript for graduate level courses or psychopharmacology degree.

(c) Documentation of publication.

(d) Verification from the organization, on organization letterhead, documenting professional activities including the dates of service.

(e) Documentation of board certification from the American Board of Professional Psychology.

(f) Documentation verifying the dates and number of hours of voluntary, uncompensated services provided in assisting the department of health services using a form provided by the department of safety and professional services.

(g) Attestation form, provided by the department of safety and professional services, documenting supervision including the dates of supervision and total number of hours per day.

(2) The board may conduct a random audit of licensees on a biennial basis for compliance with continuing education requirements. The board may conduct an audit on any licensee who has come under investigation by the board for alleged misconduct.

SECTION 9. EFFECTIVE DATE. 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.

-----  
(END OF TEXT OF RULE)  
-----

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chair

Psychology Examining Board

---

TEXT OF RULE

SECTION 1. Psy 3.01 is repealed and recreated to read:

Psy 3.01. Application procedure. An applicant for licensure as a private practice school psychologist shall submit all of the following:

- (1) Completed and signed application form.
- (2) The application fee authorized by s. 440.05(1), Stats.
- (3) Official transcript indicating one of the following:
  - (a) Doctoral degree in philosophy.
  - (b) Doctoral degree in psychology.
  - (c) Doctoral degree in education or education specialist.
  - (d) Master's degree in psychology consisting of a minimum of 60 graduate semester credits.
- (4) Documentation that the applicant has successfully completed one year of experience or internship in school psychology under the supervision of a school psychologist licensed by the department of public instruction from one of the following:
  - (a) Supervising psychologist.
  - (b) School official.
  - (c) Administrator.
- (5) Evidence applicant holds a regular license as a school psychologist issued by the department of public instruction.
- (6) Evidence of successful completion of the written examination of the private practice of school psychology. This section does not apply to an applicant who is licensed in another state if the applicant submits proof of completion of at least 40 hours of board approved continuing education obtained within 2 years prior to application.
- (7) Evidence of successful completion of elements of practice essential to the public health, safety or welfare.
- (8) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.
- (9) For applicants who have a pending criminal charge or have been convicted of a crime, all information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the private practice of school psychology.

SECTION 2. Psy 3.02, 3.03, 3.04, 3.05 and 3.06 repealed.

SECTION 3. Psy 3.07 is repealed and recreated to read:

Psy 3.07 Passing score. The passing grade on each examination is determined by the board to represent minimum competence. The board may adopt the recommended passing score of the examination provider.

SECTION 4. Psy 3.10 is repealed.

## Chapter Psy 5

### CONDUCT

Psy 5.01 Professional conduct.

Psy 5.02 Actions subsequent to disciplinary proceedings.

**Psy 5.01 Professional conduct.** The practice of psychology is complex and varied and, therefore, allows for a broad range of professional conduct. The following acts constitute unprofessional conduct by applicants for licensure and licensees of the board and are prohibited. Complaints regarding these acts shall be investigated and may lead to disciplinary proceedings.

(1) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.

(2) Gross negligence in the practice of psychology.

(3) Misrepresentation of professional competency by offering to perform services that are unwarranted on the basis of education, training, or experience.

(4) Performance of professional services inconsistent with training, education, or experience.

(5) Conviction of a crime or violation of any law the circumstances of which substantially relate to the circumstances of the professional practice of psychology.

(6) Undertaking or continuing professional services after having been adjudged incompetent by a court of law.

(7) Reporting distorted, erroneous, or misleading psychological information.

(8) Engaging in false, fraudulent, misleading or deceptive billing practices.

(9) Allowing professional judgment to be controlled by another.

(10) Aiding or furthering discrimination on the basis of race, color, sex, creed, national origin, ancestry, handicap or sexual orientation by means of service given to a client.

(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 client or public.

(12) Revealing facts, data, information, records or communication received from a client in a professional capacity except in the following circumstances:

(a) With the informed consent of the client or the client's authorized representative.

(b) With prior notification to the client at the time the information was elicited of the use and distribution of the information.

(c) If necessary to prevent injury to the client or another person.

(d) Pursuant to the lawful order of a court of law.

(e) Use of case history material for teaching or research purpose, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.

(f) Where otherwise permitted or required under ss. 51.30 and 146.82, Stats.

(g) When required by federal or state law.

(13) Failure to obtain written, informed consent from the client or client's legal representative prior to the use of observation or electronic taping, recording or filming procedures.

(14) Engaging in sexual contact, sexual conduct, kissing, or any other behavior which could reasonably be construed as seduc-

tive, romantic, harassing, or exploitative, with any of the following:

(a) A client.

(b) A former client within 2 years of termination of professional services.

(c) A former client beyond 2 years of termination of professional services, unless the licensee can demonstrate that there has been no exploitation of the former client, and that the former client is not vulnerable by reason of emotional or cognitive disorder to exploitive influence by the psychologist, in light of all relevant factors, including:

1. The length of time which had passed between the termination of professional services and the conduct.

2. The nature and duration of the professional services.

3. The circumstances of termination.

4. The client's personal history.

5. The client's mental status at the time the conduct took place.

6. The likelihood of adverse impact on the client or others.

7. Statements or actions made by the licensee during the course of professional services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(d) A person to whom the licensee is providing teaching, supervisory or other instructional services.

(14m) Accepting as a client a person with whom the licensee has engaged in sexual contact or sexual conduct.

(15) Failure to provide clients a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(16) Failure to provide clients a description of possible effects of proposed treatment.

(17) Failure to avoid prohibited dual relationships.

(18) Failure to conduct an assessment, evaluation, or diagnosis as a basis for treatment consultation.

(19) Employing or claiming to have available secret techniques or procedures that the licensee refuses to divulge.

(20) Engaging in experimental treatment or services without assuring objectivity through keeping adequate records and consulting with colleagues.

(21) In the conduct of research, failure to inform study participants of all features of the research that might reasonably be expected to influence willingness to participate; failure to ensure as soon as possible participants' understanding of the reasons and justification for methodological requirements of concealment or deception in the study; failure to protect participants from physical or mental discomfort, harm or danger, or to notify the participant of such danger; and failure to detect and remove any undesirable consequences to the participants resulting from research procedures.

(22) Failure to inform the client of financial interests which are not obvious and which might accrue to the licensee for referral to or for any use of service, product, or publication.

(23) Refusal upon request to advise the board of the nature of the specialties included within the licensee's practice.

(24) Failure to respond honestly and in a timely manner to a request for information from the board or with any other request for information by the board. Taking longer than 30 days to respond creates a rebuttable presumption that the response is not timely.

(25) Impersonation of another person holding a license issued by this or another board.

(26) Allowing another person to use one's license.

(27) Using fraud or deception in applying for a license.

(28) Violation of ch. 455, Stats., or any rule of professional conduct promulgated under ch. 455, Stats.

(29) Failure to notify the board of having a license, certificate, permit or registration granted by this or any other state for the practice of psychology or school psychology limited, restricted, suspended or revoked, or having been subject to other disciplinary action by the licensing or certifying authority thereof.

(30) For licensees of the board who are employed by a public agency and who also offer their services privately:

(a) Failure to inform the client that the client is entitled to the same service from the public agency.

(b) Failure to inform the client that the licensee is an employee of that same public agency.

(c) Failure to avoid a dual relationship.

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

(32) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice psychology which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

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

Each patient record entry shall be dated, shall identify the treating therapist, and shall be sufficiently legible to be understood and to allow interventions by other professionals. Unless records are subject to a different records retention policy by an entity with an obligation to maintain treatment records, a licensee shall retain treatment records for at least 7 years. Such records shall contain all of the following:

(a) Pertinent patient history.

(b) Pertinent objective findings related to examination and test results.

(c) Assessment or diagnosis.

(d) Plan of treatment for the patient.

(e) A discharge summary upon termination of treatment.

(34) Violating any provision of ch. 455, Stats., or any rule or order of the board.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; r. and recr. (14), cr. (14m), Register, August, 1995, No. 476, eff. 9-1-95; am. (7), cr. (32), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124: am. (11), (24) and (31), cr. (12) (g) and (33) Register July 2003 No. 571, eff. 8-1-03; CR 03-079: am. (14) (intro.) and (c) (intro.), (17), (24), renum. (33) to be (33) (intro.) and am., cr. (33) (a) to (e) and (34), Register May 2004 No. 581, eff. 6-1-04; CR 04-021: cr. (14) (d) Register July 2004 No. 583, eff. 8-1-04.

**Psy 5.02 Actions subsequent to disciplinary proceedings. (1)** In disciplinary proceedings that result in stipulation, settlement, reprimand, suspension, revocation, or limitation of a license issued by this board, the standard departmental policies will be followed.

(2) The following steps will be taken by the licensee of the board to protect the welfare of any clients affected by the board's action. These steps may include either or both of the following depending on the needs of the client and the nature of the disciplinary proceedings:

(a) Notification of clients regarding the termination of services by the subject of the board's action.

(b) Facilitation of the transfer of clients to other professionals who will be responsible for the clients' continuing care.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; r. (1) (a) and (b), Register, June, 1999, No. 522, eff. 7-1-99.