STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE PSYCHOLOGY EXAMINING BOARD	:	ORDER OF THE PSYCHOLOGY EXAMINING BOARD ADOPTING RULES (CLEARINGHOUSE RULE 15-102)

ORDER

An order of the Psychology Examining Board to repeal Psy 2.02, 2.03, 2.04, 2.05 (2) and (3), 2.08, 2.12 and 2.13; to amend Psy 2.05 (1) and 2.05 (3); to repeal and recreate Psy 2.01, 2.09 and 2.14; and to create Psy 1.02 (5s) and (6m), 2.013, 2.018, 2.05 (2m) and 2.10 relating to licensure as a psychologist.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss 455.03, 455.04, and 455.045, Stats.

Statutory authority: ss. 15.08 (5) (b) and 455.08, 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. [s. 15.08 (5) (b)]

The examining board shall adopt such rules as are necessary under this chapter. [s. 455.08]

Related statute or rule: n/a

Plain language analysis:

Sections 1 and 2 defines the two examination required for licensure. The practice of psychology exam is the national Examination for the Professional Practice in Psychology (EPPP). The examination on the elements of practice essential to the public health, safety or welfare is the jurisprudence examination on Wisconsin statutes and rules.

Section 3 repeals and recreates the application process. An applicant is required to file an application, pay a fee, provide evidence of education or equivalent academic training or experience, documentation of a one year experience in psychological work, pass the EPPP, pass the jurisprudence exam, verification of credentials in another state and provide information relating to any pending criminal charge or conviction.

Section 4 creates a section on application by reciprocity. An applicant who holds an active license in another jurisdiction may apply for license by submitting an application, pay a fee, pass

the jurisprudence exam and evidence of successful completion of an examination on the practice of psychology approved by the board or evidence of completion of at least 40 board approved continuing education hours within 2 years prior to application.

Section 5 creates a section on application by obtaining a diploma from the American Board of Professional Psychology. The applicant is required to pass an examination on the practice of psychology approved by the Board and the jurisprudence exam.

Section 6 repeals obsolete examination provisions relating to scheduling an examination, unauthorized assistance and time limits and other necessary controls.

Sections 7, 8, 9, and 10 updates the passing scores section. The passing score on each examination is determined to represent minimum competency. The Board may adopt the recommended passing score of the examination provider for the national examination for the professional practice of psychology. The determination of a passing score on the jurisprudence test is based upon consultation with subject matter experts.

Section 11 repeals the sections on reviewing examinations after failing and claiming of examination error on the jurisprudence test which is an open book, online test and these provisions are obsolete. It also repeals the requirement limiting how many times the examination can be taken. The Board is unable to prescribe or approve further training or education prior to taking the exam after 3 attempts because the Board does not have information regarding the areas the applicant demonstrates deficiencies due to it being a national test.

Section 12 repeals and recreates the section relating to education and experience equivalent to a doctoral degree in psychology. The curriculum must include scientific psychology, scientific, methodical and theoretical foundations of practice, diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies, and a practicum, internship, field or laboratory training supervised by a person with a doctorate degree in psychology.

Section 13 creates the supervised psychological experience requirements. The one year experience in psychological work occurs after the doctoral degree in psychology and consists of 2000 hours in no more than 2 years (to allow for part time work experience). A minimum of 25% of the time shall be with face-to-face client contact and a total of 65% of time (including the face-to-face client contact) shall be in providing psychological services which are services directly related to a client. This section also outlines the supervisor's responsibilities relating to the practice which can be performed, the ability and knowledge to step in when necessary, and provide evaluations of the experience.

Section 14 repeals the sections related to requirements for a person holding another state's license and doctoral degrees obtained outside of the United States or Canada as they are now addressed elsewhere.

Section 15 repeals and recreates the provisions related to temporary practice for clarity purposes. A person may temporarily work in without a license in Wisconsin for not more than 60 working days defined as any day the psychologist provides services. If the psychologist is exceeding 20 working days per year, the psychologist shall let the Board know the nature and extent of the

practice in Wisconsin. This section also makes clear that a psychologist is providing psychological services in this state whenever the patient or client is located in Wisconsin regardless of where the psychologist is located.

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

Comparison with rules in adjacent states:

Illinois: Illinois applicants are required to have graduated from a doctoral program or a program equivalent to a clinical, school or counseling psychology program and two years of supervised clinical, school or counseling psychology experience. An equivalent program shall consist of the following curriculum: scientific and professional ethics, biological basis of behavior, cognitive-affective basis of behavior, social basis of behavior, individual differences, assessment and treatment modalities. In addition, the applicant shall take the EPPP and the minimum passing score is set by the testing entity. An applicant holding a license in another state may apply by reciprocity by submitting proof that the licensing standards in the state of original jurisdiction are substantially equivalent to those of Illinois. An applicant who is licensed for at least 20 years may apply under provisions for senior psychologists requiring proof of active licensure for 20 consecutive years and verification of a doctoral degree.

Iowa: Iowa applicants are required to have a doctoral degree, pass the EPPP and complete one year of supervised professional experience for no less than 1500 hours. An applicant may apply through endorsement by providing verification of a current Certificate of Professional Qualification issued by the Association of State and Provincial Psychology Boards or by providing verification of licensure in another jurisdiction with licensure requirements that are substantially equivalent to those required in Iowa. The board may enter into a reciprocal agreement with other jurisdictions.

Michigan: Michigan applicants are required to possess either a doctoral degree in psychology or in a closely related field and pass the EPPP. An applicant may apply through endorsement by doing one of the following: having a license in another state for a minimum of 10 years, holding a current Certificate of Professional Qualification from the Association of State and Provincial Psychology Boards; or holding a current health service provider credential issued by the National Register of Health Service Psychologists.

Minnesota: Minnesota applicants are required to have a doctoral degree from a program that is an organized sequence of study in psychology, pass a national standardized examination in psychology specified by the board (passing score is the recommended score) and complete one full year of postdegree supervised employment consisting of a minimum of 1,800 hours of actual work experience that is accrued in no less than 12 months and in no more than 30 months. Applicants by mobility are required to show evidence of having a Certificate of Professional Qualification issued by the Association of State and Provincial Psychology Boards or a diplomate from the American Board of Professional Psychology or a health service provider in psychology.

Summary of factual data and analytical methodologies:

The Board reviewed their rules for statutory compliance and updated accordingly. In addition, the Board updated procedures and processes.

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

This rule was posted for economic impact comments and none were received.

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 Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

TEXT OF RULE

SECTION 1. Psy 1.02 (5s) is created to read:

Psy 1.02 (5s) "EPPP" means the Examination for the Professional Practice in Psychology which is the board approved examination on the practice of psychology.

SECTION 2. Psy 1.02 (6m) "Jurisprudence exam" means the board approved examination on the elements of practice essential to the public health, safety or welfare.

SECTION 3. Psy 2.01 is repealed and recreated to read:

Psy 2.01 Application procedure. An applicant for licensure as a psychologist shall submit all of the following:

(1) The properly completed and signed application form.

(2) The application fee authorized by s. 440.05 (1), Stats.

(3) Evidence of one of the following:

(a) Official transcript indicating 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.

(b) Academic training or specialized experience which in the opinion of the board is equivalent to a doctoral degree in psychology.

(c) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists or other credential evaluation organization approved by the Board.

(4) Documentation of at least one year experience in psychological work meeting the requirements in Psy 2.10.

(5) Evidence of passing the EPPP.

(6) Evidence of passing the jurisprudence exam.

(7) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.
(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.

SECTION 4. Psy 2.013 is created to read:

Psy 2.013 Reciprocity. An applicant who holds an active license in another state, territory, foreign country or province whose license standards are deemed by the board to be equivalent to the standards in this state may apply for license by submitting the following:
(1) The properly completed and signed application form.
(2) The application fee authorized by s. 440.05 (1), Stats.
(3) Evidence of one of the following:
(a) Evidence of passing the EPPP.
(b) Evidence of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application.
(4) Evidence of passing the jurisprudence exam.

SECTION 5. Psy 2.018 is created to read:

Psy 2.018 American Board of Professional Psychology diploma. An applicant who holds a diploma of the American Board of Professional Psychology may apply for a license by submitting the following:
(1) The properly completed and signed application form.
(2) The application fee authorized by s. 440.05 (1), Stats.
(3) Evidence of passing the EPPP.
(4) Evidence of passing the jurisprudence exam.

SECTION 6. Psy 2.02, 2.03 and 2.04 are repealed.

SECTION 7. Psy 2.05(1) is amended to read:

Psy 2.05 Passing scores. (1) The passing ~~scores set~~ score on each examination is determined by the board to represent minimum ~~competency required to protect public health and safety~~ competence.

SECTION 8. Psy 2.05(2) and (3) are repealed.

SECTION 9. Psy 2.05(2m) is created to read:

(2m) The board may adopt the recommended passing score of the examination provider for the EPPP.

SECTION 10. Psy 2.05(4) is amended to read:

(4) ~~To pass the examination on the elements of practice essential to the public health, safety or welfare, the applicant shall receive a score determined by the board to represent minimum~~

~~competence to practice.~~ The board shall make the determination of the passing score of the jurisprudence exam after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 11. Psy 2.06, 2.07 and 2.08 are repealed.

SECTION 12. Psy 2.09 is repealed and recreated to read:

Psy 2.09 Education and experience equivalent to a doctoral degree in psychology. The equivalent to a doctorate in psychology is a doctorate degree which meets all of the following requirements:

(1) The curriculum shall contain all of the following content:

(a) Scientific psychology, including all of the following:

1. Biological aspects of behavior.
2. Cognitive and affective aspects of behavior.
3. Social aspects of behavior.
4. History and systems of psychology.
5. Psychological measurement.
6. Research methodology.
7. Techniques of data analysis.

(b) Scientific, methodical and theoretical foundations of practice in the substantive area of professional psychology in which the program has its training emphasis including all of the following:

1. Individual differences in behavior.
2. Human development.
3. Dysfunctional behavior or psychopathology.
4. Professional standards and ethics.

(c) Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies including all of the following:

1. Theories and methods of assessment and diagnosis.
2. Effective intervention.
3. Consultation and supervision.
4. Evaluating the efficacy of interventions.

(d) Issues of cultural diversity and individual differences.

(e) Skills essential for lifelong learning, scholarly inquiry and professional problem-solving as psychologists in the context of an evolving body of scientific and professional knowledge.

(2) The doctoral degree shall include any of the following: practicum, internship, field or laboratory training. This experience shall be supervised by a person with a doctoral degree in psychology.

SECTION 13. Psy 2.10 is created to read:

Psy 2.10 Supervised Psychological Experience. A one year experience in psychological work after a doctoral degree in psychology or its equivalent under conditions satisfactory to the examining board shall include all of the following:

(1) Completion of 2000 hours of the supervised psychological experience in no more than 24 months.
(2) Clients shall be informed that the psychological trainee is receiving supervision and that the client's case will be discussed in the context of required supervision. The trainee must inform potential clients in writing of his or her trainee status and lack of license.
(3) A minimum of 25% of the experience required shall consist of face-to-face client contact.
(4) A total of 65% of the experience required shall consist of the face-to-face client contact required under sub. (3) and direct service for the purpose of providing psychological service. For the purposes of this subsection, direct service means those activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation, and reviewing published works relating to the client's needs.
(5) The primary supervisor shall be a licensed psychologist and shall have adequate training, knowledge, and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have post-licensure experience and shall have had training or experience in supervision of psychological work. Supervisors shall not be an immediate relative by blood or marriage.
(6) The supervisor's responsibilities include all of the following:

(a) Permit a trainee to engage in only psychological practice the supervisor can competently perform.
(b) Have sufficient knowledge of the trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client.
(c) Monitor the progress of the work on a regular basis.
(d) Determine the adequacy of the trainee's preparation for the tasks to be performed.
(e) Provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weakness, shall be written and discussed with the trainee on at least a semi annual basis and shall be made available to the board upon request.
(f) Be available or make appropriate provision for emergency consultation and intervention.
(g) Be legally and ethically responsible for the professional activities of the trainee.
(h) Be able to interrupt or stop the trainee from practicing in given cases.
(i) To terminate the supervised relationship if necessary.

SECTION 14. Psy 2.12 and 2.13 are repealed.

SECTION 15. Psy 2.14 is repealed and recreated to read:

Psy 2.14 Temporary Practice. In this section, "working days" is defined as any day in which the psychologist provides services.
(1) A psychologist who is licensed by another state or territory of the United States or a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than than the requirements for licensure as a psychologist in s. 455.04(1) may offer services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under s. 455.04(1).
(2) The psychologist shall report to the board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year.

(3) A psychologist provides psychological services in this state whenever the patient or client is located in this state regardless of where the psychologist is located.

SECTION 16. 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 7/22/16

Chair
Psychology Examining Board

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
Psy 2

3. Subject
Psychologist licensure

4. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget
☐ Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☐ Specific Businesses/Sectors
☐ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☐ No

9. Policy Problem Addressed by the Rule
This rule brings the licensure into statutory compliance and updates the procedures to current practices.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
This rule was posted for 14 days for economic comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.
None. This rule does not impact local governmental units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of implementing the rule is to create clarity as well as bring the rule into statutory compliance with the licensure requirements.

14. Long Range Implications of Implementing the Rule
The long range implication is a rule which is clear and conforms to statute.

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

by the testing entity. An applicant holding a license in another state may apply by reciprocity by submitting proof that the licensing standards in the state of original jurisdiction are substantially equivalent to those of Illinois. An applicant who is licensed for at least 20 years may apply under provisions for senior psychologists requiring proof of active licensure for 20 consecutive years and verification of a doctoral degree.

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17. Contact Name	18. Contact Phone Number
Sharon Henes	(608) 261-2377

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