



**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
January 12, 2022**

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 record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 17, 2021 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(7-10)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(11-17)**
 - 4) Board Members – Term Expiration Dates
 - a. Desmonde, Marcus P. – 7/1/2021
 - b. Greene, John N. – 7/1/2023
 - c. Jinkins, Mark A. – 7/1/2022
 - d. Schroeder, Daniel A. – 7/1/2019
 - e. Sorce, Peter I. – 7/1/2020
 - f. Thompson, David W. – 7/1/2022
- E. Legislative and Policy Matters – Discussion and Consideration (18)**
 - 1) 2021 Wisconsin Assembly Bill 537/Senate Bill 534 – PSYPACT
 - 2) 2021 Assembly Bill 331/Senate Bill 470 – Law Enforcement
- F. Administrative Rule Matters – Discussion and Consideration (19)**
 - 1) Final Rule Draft – CR 21-080: Psy 1, 2, and 4 – Legislative Update **(20-33)**
 - 2) Adoption Order – CR 21-084: Psy 2.013(3), 2.018, 3, 4.025(4) – Expedited Repeal **(34-35)**
 - 3) Pending or Possible Rulemaking Projects **(36-37)**

G. Credentialing Matters – Discussion and Consideration

- 1) Licenses Issued Between Meetings (38-39)

H. Association of State and Provincial Psychology Boards (ASPPB) Update – Discussion and Consideration

I. COVID-19 – Discussion and Consideration

J. Deliberation on Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. 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.).

L. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC 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 Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT DATE: FEBRUARY 23, 2022

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
NOVEMBER 17, 2021**

PRESENT: Mark Jenkins; Daniel Schroeder, Ph.D.; Peter Sorce; David Thompson, Ph.D.

EXCUSED: John Greene, Ph.D.; Marcus Desmonde, Psy.D.

STAFF: Brad Wojciechowski, Executive Director; Jon Derenne, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Daniel Schroeder, Chairperson, called the meeting to order at 9:01 a.m. A quorum was confirmed with four (4) board members present.

ADOPTION OF AGENDA

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 22, 2021

MOTION: Peter Sorce moved, seconded by Mark Jenkins, to approve the Minutes of September 22, 2021 as published. Motion carried unanimously.

**9:00 A.M. PUBLIC HEARING: CR 21-080, PERMANENT AND EMERGENCY RULE
2127: PSY 1, 2, AND 4, RELATING TO LEGISLATIVE UPDATE**

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: David Thompson moved, seconded by Peter Sorce, to reject Clearinghouse comment number 5b, and to accept all remaining Clearinghouse comments for Clearinghouse Rule CR 21-080 (Psy 1, 2, and 4), relating to legislative update. Motion carried unanimously.

MOTION: Peter Sorce moved, seconded by Mark Jenkins, to designate David Thompson to serve as liaison to DSPPS staff to review and consider Public Hearing comments on Clearinghouse Rule CR 21-080 (Psy 1, 2, and 4), relating to legislative update, and to provide a revised draft at the next board meeting for consideration by the full board. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: CR 21-003 (Psy 2), Relating to Discrimination Based on Arrest or Conviction Record

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to approve the Adoption Order for Clearinghouse Rule CR 21-003 (Psy 2), relating to discrimination based on arrest or conviction record. Motion carried unanimously.

ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB) UPDATE

Psychology Interjurisdictional Compact (PSYPACT)

MOTION: David Thompson moved, seconded by Mark Jenkins, to designate the Chairperson to communicate directly with ASPPB to revisit the educational criterion associated with the ePassport Credential in the Psychology Interjurisdictional Compact (PSYPACT). Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jenkins 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, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Mark Jenkins-yes; Daniel Schroeder-yes; Peter Sorce-yes; and David Thompson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:29 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Stipulations, Final Decisions and Orders

21 PSY 010 – Michael L. Kula, Psy.D.

MOTION: Peter Sorce moved, seconded by Mark Jenkins, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael L. Kula, Psy.D., DLSC Case Number 21 PSY 010. Motion carried unanimously.

Administrative Warnings

19 PSY 014 – J.R.H.

MOTION: Mark Jenkins moved, seconded by David Thompson, to issue an Administrative Warning in the matter of J.R.H., DLSC Case Number 19 PSY 014. Motion carried unanimously.

Case Closings

21 PSY 016 – K.M.L.

MOTION: Peter Sorce moved, seconded by David Thompson, to close DLSC Case Number 21 PSY 016, against K.M.L., for No Violation. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:48 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Peter Sorce moved, seconded by David Thompson, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: David Thompson moved, seconded by Peter Sorce, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:50 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/13/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
Kimberly Wood		12/13/2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Department's website.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL			BOARD OR COUNCIL MEMBER'S NAME	
EXAMPLE EXAMINING BOARD			MARY SUNSHINE	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Travel Voucher

Staple Receipts Face Up On Backside

For Agency Use Only

Safety & Professional Services						Emp ID 100012345 Z						
Department/ Division		Example Examining Board				Address 2424 Happy Road						
State Officer/Employee Name		Mary Sunshine				City Pleasant Prairie		State WI		Zip-Code 53158		
Mo/Yr		From/To:										
FY	FUND	BUSINESS UNIT	DEPART	APPR CLASS	OBJECT	PROJECT	BALANCE SHEET ACCT	REPORTING CATEGORY	PROJECT NUMBER	AMOUNT		
2021	10000	16500	1651300200	12100	7340000	16500P1<BRD ID>						
				12800		16500P2<TRD ID>						
				22100								
TOTALS												

Official Business		Travel Points		HDQS-TIME		Personal Vehicle	Lodging	Meals, including tips			Other Allowable Expenses		Total Allowable Expenses	
Date	Purpose of Trip	From	To	Depart	Return	Miles		Morning	Noon	Evening	Item	Amount	Taxable	Non-Taxable
Use	Board Meeting	Home base	Madison	Report times you left		Miles	P-card	\$8.00	\$10.00	\$20.00			Report	Report
separate		Madison	Home base	and returned home if		must be		Maximum in-state amounts					meal cost	meal cost
lines for	You must identify			meals are claimed		split.	Enter		or				here if there	here if there
each leg	the purpose of					Cannot	"P-card"	\$10.00	\$15.00	\$25.00			is NO	IS an
of your	your trip.					place	when hotel	Maximum out-of-state amounts					overnight	overnight
trip.						roundtrip	is provided						stay.	stay.
						total on	by DSPS	Must leave	Must leave	Must return				
						one line.		home	home	home after				
								before	before	7:00 p.m.				
								6:00 a.m.	10:30 a.m.					
									and return					
									home after					
									2:30 p.m.					

LEGEND: Staff can fill in these areas.
 Board Member MUST fill in these areas

*Item billed directly to the state agency

Sub-Totals														
								Mileage Costs						
						Miles at		0.510 cents/mile			Totals			
											Total Expenditure			
											Less Travel Advance			
											Net Amount Due			

Claimant's Statement § 16.53 Wisconsin Statutes

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date _____ Claimant's Signature _____

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

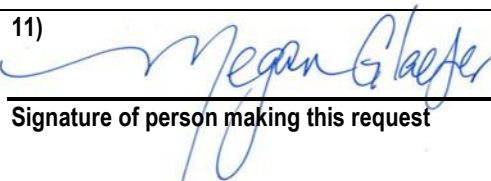
Agency Head or Authorized Representative _____

Date _____ Supervisor's Signature _____

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Megan Glaeser, Bureau Assistant		2) Date when request submitted: 14 December 2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 12 January 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ol style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations c. Pre-Screening Delegations 			
11) 		Authorization	
Signature of person making this request		14 December 2021 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. 			

**PSYCHOLOGY EXAMINING BOARD
2021 ELECTIONS, LIAISON APPOINTMENTS, AND DELEGATIONS**

Election of Officers

ELECTION RESULTS	
Chairperson	Daniel Schroeder
Vice Chairperson	Marcus Desmonde
Secretary	David Thompson

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, David Thompson
Continuing Education Liaison(s)	Marcus Desmonde
Monitoring Liaison(s)	Mark Jenkins, David Thompson
Professional Assistance Procedure (PAP) Liaison(s)	Mark Jenkins, Marcus Desmonde
Legislative Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, Peter Sorce, David Thompson
Travel Liaison(s)	Daniel Schroeder
Screening Panel	John Greene, David Thompson, Peter Sorce

Delegation of Authorities

Document Signature Delegations

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Mark Jenkins moved, seconded by Marcus Desmonde, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: David Thompson moved, seconded by Peter Sorce, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Marcus Desmonde moved, seconded by Mark Jenkins, to delegate the review of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

MOTION: Marcus Desmonde moved, seconded by Peter Sorce, to adopt the “Roles and Authorities Delegated for Monitoring” document presented in the January 20, 2021 agenda materials on pages 12-13, subject to modification of provision 4, on page 12, to add the language “independent evaluator” after the words “treatment providers”. Motion carried unanimously.

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: David Thompson moved, seconded by Peter Sorce, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Marcus Desmonde moved, seconded by David Thompson, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Mark Jenkins moved, seconded by David Thompson, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of psychology. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Marcus Desmonde moved, seconded by Mark Jenkins, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements for a psychologist are equivalent to the Board's requirements and like reciprocity is extended to holders of licenses issued by this state. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: David Thompson moved, seconded by Peter Sorce, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Marcus Desmonde moved, seconded by David Thompson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Continuing Education Liaison(s) Delegation

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to delegate authority to the Continuing Education Liaison(s) to address all issues related to continuing education. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Mark Jenkins moved, seconded by David Thompson, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: David Thompson moved, seconded by Marcus Desmonde to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Peter Sorce moved, seconded by David Thompson, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: Mark Jenkins moved, seconded by Marcus Desmonde, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
- 4) **Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.**


Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
-

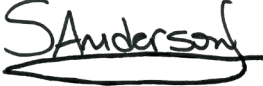
**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 12/13/2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 1/12/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: 1.) AB537/SB534 – PSYPACT 2.) AB331/SB470 – Law Enforcement			
11) Authorization			
 Signature of person making this request		12/13/2021 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 12/22/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: January 12, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Final Rule Draft – CR 21-080: Psy 1, 2, and 4 Legislative Update 2. Adoption Order – CR 21-084: Psy 2.013 (3), 2.018, 3, and 4.025 (4) Expedited Repeal 3. Pending and possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: 1. Final Rule draft CR 21-080: Psy 1, 2, and 4 relating to legislative update. 2. Comments chart. 3. Adoption Order CR 21-084: Psy 2.013 (3). 2.018, 3, and 4.025 (4) Expedited Repeal. 4. Rule projects chart.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 12/22/21 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
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 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 : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-080)

PROPOSED ORDER

An order of the Psychology Examining Board **to amend** Psy 1.02 (2) (Note), (6m), 2.01 (3) (b), and (4), 2.013 (intro), 2.14 (1), (2), and (3), 4.017 (title), and 4.025 (1); **to repeal and recreate** Psy 2.01 (3) (a), and 2.10 (intro) and (1); **to create** Psy 1.02 (6g), (9m), (11), and (12), 2.012, 2.013 (5), 2.014, and 4.017 (5), (6), and (7), relating to definitions, interim psychologist licensure requirements, reciprocity requirements, reciprocal credentials for service members, former service members, and their spouses, supervised psychological experience, temporary practice for out of state providers, and renewal requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 455.01 (5) and (6), 455.03, 455.04, 455.06, 455.09 (3), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), **440.09 (5)**, and 455.06 (1) (b).

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides “[e]ach 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.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Section 440.09 (5), Stats. provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Commented [ASD1]: **Yellow:** Clearinghouse comments
Blue: ARC suggestion approved by Board liaison.
Green: WPA and Board liaison suggestions

Section 455.06 (1) (b), Stats. provides “the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2).”

Related statute or rule:

None.

Plain language analysis:

The Psychology Examining Board is updating the rules governing the practice of psychology based upon passage of 2021 Wisconsin Act 22. Act 22 creates requirements for a new interim psychologist license; modifies the conditions for the supervised psychological experience requirement; and clarifies the terms of the temporary practice for out of state providers. This revision also includes a comprehensive review that updates and creates several definitions to chapter Psy 1 in order to comply with current standards of practice; and implements the reciprocal credential requirements for service members, former service members, and their spouses in accordance to 2019 Wisconsin Act 143.

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

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A

Comparison with rules in adjacent states:

Illinois:

The Illinois Department of Financial and Professional Regulation licenses clinical psychologists and prescribing psychologists. In order to be licensed as a clinical psychologist, an applicant has to be a graduate of a doctoral program in clinical, school or counseling psychology accredited by the American Psychological Association or approved by the National Register of Health Service Psychologists; or be a graduate of a doctoral program whose content is found equivalent by the board. Additionally, applicants have to complete two years of supervised clinical, school or counseling psychology experience, which has to be divided between one year of no less than 1,750 hours in an internship, and one year of postdoctoral supervision. [225 ILCS 15/10] Illinois does not have interim or training psychologist licenses.

Iowa:

The Iowa Board of Psychology is in the Bureau of Professional Licensure in the Department of Public Health. Iowa licenses permanent, provisional, and health service provider psychologists. The requirements for permanent psychologist include evidence of graduation from a doctorate level psychology program or its equivalent and a minimum of 1,500 hours of supervised professional experience in no less than ten months. [645 IAC 240.3] [645 IAC 240.6]

The requirements for provisional psychologist licensure include evidence of graduation from a doctorate level psychology program and a supervised plan signed by the potential supervisor. This license is effective for two years and may be renewed one time for an additional two years. [645 IAC 240.12]

Michigan:

The Michigan Board of Psychology is in the Department of Licensing and Regulatory Affairs. Michigan licenses master's limited permanent and temporary psychologists; doctoral educational limited permanent and temporary psychologists; and psychologists. In order to obtain a psychologist license, an applicant needs to have been granted a doctoral degree in psychology or its equivalent and have no less than one year of postdoctoral experience in the practice of psychology. The Board may grant a temporary license for the purpose of completing the one year of supervised experience. These temporary licenses are only valid for 24 months and can only be renewed once for an additional 24 months. [MCL 333.18223]

Minnesota:

The Minnesota Board of Psychology licenses Master and Doctoral level psychologists. In order to become a doctoral level psychologist, applicants must earn a doctoral degree in psychology and complete at least one full year or the equivalent in part time of postdoctoral supervised psychological experience in no less than 12 months and no more than 60 months. [MN Stats. 148.907 Subd. 2]

Minnesota has a guest licensure option for applicants who are licensed in another state and would like to start practicing while their permanent license is in process. In order to obtain this license, an applicant must have an unencumbered license to practice psychology in another state, hold a doctoral degree, and pass a professional responsibility examination designated by the board. This license is valid for one year or until the board either issues or denies the permanent license. Guest licenses can be renewed annually until the board has made a determination about the applicant's permanent licensure. [MN Stats. 148.916]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of Psy 1, 2, and 4, as changed by 2021 Wisconsin Act 22. The provisions of Act 22 were reviewed in conjunction with current rules relating to psychological practice and 2019 Wisconsin Act 143. The Board provided input and feedback to determine any changes or updates needed in addition to those enacted by Act 22 and 143.

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

The proposed rules was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto: DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing, November 17, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Psy 1.02 (2) (Note) is amended to read:

Psy 1.02 (2) (Note): The board office is located at ~~1400 East Washington Avenue~~ 4822 Madison Yards Way, Madison, WI 53705, P.O. Box ~~8935~~ 8366, Madison, WI 53708, telephone (608) 266-~~0070~~ 2112, [dsps@wi.gov](mailto: dsps@wi.gov).

SECTION 2. Psy 1.02 (6g) is created to read:

Psy 1.02 (6g) “Interim psychologist” means a person licensed under s. 455.04 (2), Stats.

SECTION 3. Psy 1.02 (6m) is amended to read:

Psy 1.02 (6m) “Jurisprudence exam” means the board approved examination on the ~~elements of practice essential to the public health, safety, or welfare~~ state law related to the practice of psychology.

SECTION 4. Psy 1.02 (9m) is created to read:

Psy 1.02 (9m) “Psychologist” means a person licensed under s. 455.04 (1) or (2), Stats.

SECTION 5. Psy 1.02 (11) and (12) are created to read:

Psy 1.02 (11) “Practice of psychology” has the meaning under s. 455.01 (5), Stats.

(12) “Psychotherapy” has the meaning under s. 455.01 (6), Stats.

SECTION 6. Psy 2.01 (3) (a) is repealed and recreated to read:

Psy 2.01 (3) (a) Official transcript indicating a doctoral degree in psychology from a program accredited by any of the following organizations:

1. American Psychological Association
2. Canadian Psychological Association
3. Any other organization approved by the examining board.

SECTION 7. Psy 2.01 (3) (b) is amended to read:

(b) Academic training ~~or specialized experience which in the opinion of the board is that~~ the examining board determines to be substantially equivalent to a doctoral degree in psychology on the basis of standards established in s. Psy 2.09.

SECTION 8. Psy 2.01 (4) is amended to read:

Psy 2.01 (4) Documentation of ~~at least one year experience in~~ completion of psychological work meeting the requirements in s. Psy 2.10.

SECTION 9. Psy 2.012 is created to read:

Psy 2.012 Interim Psychologist. (1) Subject to s. 455.09, Stats., the examining board shall grant an interim psychologist license to an applicant who submits all of the following:

- (a) A properly completed and signed application form.
- (b) An application fee authorized by s. 440.05 (6), Stats.
- (c) Evidence of one of the following:

1. Official transcript indicating a doctoral degree in psychology from a program accredited by any of the following organizations:
 - a. American Psychological Association
 - b. Canadian Psychological Association
 - c. Any other organization approved by the examining board.

2. Academic training that the examining board determines to be substantially equivalent to a doctoral degree in psychology based on the standards established in s. Psy 2.09.

(d) Completion of at least 1,500 hours of supervised experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.

(e) 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.

(f) Evidence of passing score on the jurisprudence exam.

(2) An interim psychologist license issued under s. 455.04 (2), Stats., is valid for 2 years or until the individual obtains a psychologist license under s. 455.04 (1), Stats, whichever is earlier. An individual holding an interim psychologist license is not required to complete continuing education.

SECTION 10. Psy 2.013 (intro) is amended 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 examining board to be substantially equivalent to the standards in this state may apply for license by submitting the following:

SECTION 11. Psy 2.013 (5) is created to read:

Psy 2.013 (5) Documentation necessary for the Board to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a psychologist.

(b) The applicant has been convicted of a crime substantially related to the practice of a psychologist.

SECTION 12. Psy 2.014 is created to read:

Psy 2.014 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice psychology shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Pursuant to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 13. Psy 2.10 (intro) and (1) are repealed and recreated to read:

Psy 2.10 Supervised psychological experience. Except as provided in s. Psy 2.013, an applicant for licensure as a psychologist shall complete at least 3,000 hours of supervised graduate-level experience in the practice of psychology under conditions satisfactory to the examining board and shall include all of the following:

(1) Supervised hours shall consist of all of the following:

- (a) At least 1,500 hours of experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
- (b) At least 1,500 hours of experience consisting of any combination of the following:
 1. Pre-internship hours that occur after the completion of the first year of the doctoral program or at any time while in a doctoral program after the completion of a master's degree in psychology or its equivalent.
 2. Hours accrued in the internship as described in sub. a. that are in excess of the 1,500 hours required under sub. a.
 3. Post-internship hours accrued under the internship as described in sub. a., but before the conferral of the doctoral degree.
 4. Postdoctoral hours obtained after the conferral of the doctoral degree.

SECTION 14. Psy 2.14 (1), (2), and (3) are amended to read:

Psy 2.14 (1) In this section, "working days" is defined as any day in which the psychologist provides services "day" is defined in s. 455.03, Stats.

(2) 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), Stats., may offer provide psychological services as a psychologist in this state for not more than 60 working days in any calendar year without holding a license issued under s. 455.04 (1), Stats.

(3) 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 calendar year.

SECTION 15. Psy 4.017 (title) is amended to read:

Psy 4.017 ~~Late~~ Renewal and reinstatement.

SECTION 16. Psy 4.017 (5), (6), and (7) are created to read:

Psy 4.017 (5) REINSTATEMENT AFTER REVOCATION. A revoked license may not be renewed. Except as provided in s. 440.12, Stats., an individual may, no sooner than one year after the date of revocation, apply for reinstatement of a license. The board may accept or reject an application for reinstatement.

(6) **INTERIM PSYCHOLOGIST LICENSE.** The board may renew at its discretion an interim psychologist license upon a showing of hardship by the applicant.

(a) An applicant for a hardship renewal must demonstrate to the board that one of the following circumstances applies to the applicant:

1. The sickness of the applicant or a member of the applicant's immediate family substantiated by a doctor's certificate.
2. A death in the applicant's immediate family substantiated by proof of death.
3. Temporary military service.
4. Other good reason deemed acceptable by the board.

(b) If a hardship is established under par. (a), the board may request additional documentation from the applicant for its consideration in determining whether a renewal of the interim license is appropriate, including:

1. Attestation that the applicant has a qualified supervisor as provided by s. 455.04 (2), Stats.
2. Documentation of any relevant training, education, or supervised experience the applicant has completed since obtaining the interim psychologist license.
3. Any other relevant documentation requested by the board.

(7) **PRIVATE PRACTICE SCHOOL PSYCHOLOGIST.** An applicant for renewal of a private practice school psychologist issued under s. 455.04 (4), 2019 Stats., prior to June 1, 2021, shall include with the renewal application proof of completion of hours of continuing education required under s. Psy 4.025.

SECTION 17. Psy 4.025 (1) is amended to read:

Psy 4.025 (1) Unless granted a postponement or waiver under s. Psy 4.04, every licensee except for those licensed under s. Psy 2.012 shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.

SECTION 18. 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)

DRAFT

Original draft sections	WPA (Dr. Erdmann)	Board liaison (Dr. Thompson)	Board Counsel (Jameson Whitney)	ARC comments (Sofia Anderson)
SECTION 3. Psy 1.02 (6m) is amended to read: Psy 1.02 (6m) “Jurisprudence exam” means the board approved examination on the elements of practice essential to the public health, safety, or welfare. State law related to the practice of psychology.	How and where will the “board approved examination” be identified to the public and applicants? Will the current exam need to be re-written?			This section refers to the Wisconsin Statutes and Rules Exam, also known as the jurisprudence exam, which has always been a requirement for licensure. The information about the exam is provided to each applicant once the application starts being processed and can also be found in the DSPS website .
SECTION 6. Psy 2.01 (3) (a) and (b) are amended to read: Psy 2.01 (3) (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. program accredited by an organization approved by the examining board. (b) Academic training Psy 2.09 . or specialized experience which in the opinion of the board is that the examining board determines to be substantially equivalent to a doctoral degree in psychology on the basis of standards established in s. Psy 2.09	The PSY administrative code is inconsistent in naming specific organizations [e.g., PSY 4.015 (5) and 4.035(1)] versus the more vague statements such as “program accredited by an organization approved by the examining board”. (a) We recommend naming the specific organization or organizations here. Since as the American Psychological Association is the only current accrediting organization in the US, specifying it could be helpful. Adding the Canadian Psychological Association would be an option. If the board prefers to avoid naming a specific accrediting organization or organizations, where will the organization or organizations be identified to the applicants and the public? (b) How will “substantially equivalent” be evaluated? Where will the process be made	I am concerned about Psy 2.01(3)(a). What we are doing by the proposed wording is removing the requirement for a college or university to be regionally accredited and substituting accreditation of the specific program. To me this is very problematic. I looked at the statute, and this work=ding seems consistent with the statute, but I think there may be a mistake in the statute. I don’t think the legislative intent was to remove the requirement for accreditation of the college or university, as by doing so we open up the door to Sylvania Anderson’s Psychology Training School for wayward graduates. Requiring program accreditation closes that door, but it also excludes licensure for psychology practice in areas for which no accreditation exists, which includes many	The statute (and corresponding rule) broadens the Board’s ability to determine what accrediting organizations are approved, and which ones are not. I would presume that these accrediting organizations either require state-level accreditation or possibly exceed the accreditation requirements in the prior version, but even if they do not, the Board gains the discretion to approve the accrediting organization where the previous version relied on the individual state educational boards.	If the APA is the only organization in the US, then specificity is not really needed. If anything, it might in the better interest of the Board to keep it broad to cover organizations that may have been missed or that appear later in the future without having to amend the Code again. If the Board still wishes to change Psy 2.012(1)(c) and Psy 2.01(3)(a), then my suggestion would be the following language: <i>An official transcript indicating a doctoral degree in psychology from a program accredited by any of the following organizations:</i> (i) <i>American Psychological Association (APA)</i> (ii) <i>Canadian Psychological Association (CPA)</i>

	available to applicants and the public?	non-HSP psych programs. Given that this wording is already in the statute we should consider legislative intent, the effects of this rule, and the need for possibly clean-up legislation.		(iii) <i>Any other organization approved by the examining board.</i>
SECTION 8. Psy 2.012 is created to read: Psy 2.012 Interim Psychologist. (1) Subject to s. 455.09, Stats., the examining board shall grant an interim psychologist license to an applicant who submits all of the following: (a) A properly completed and signed application form. (b) An application fee authorized by s. 440.05 (6), Stats. (c) Evidence of one of the following: 1. An Official transcript indicating a doctoral degree in psychology from a program accredited by an organization approved by the examining board. 2. Academic training that the examining board determines to be substantially equivalent to a doctoral degree in psychology based on the standards established in s. Psy 2.09. (d) Completion of at least 1,500 hours of supervised experience through a	(c)(1) We believe the specific organization should be specified here as the American Psychological Association or the Canadian Psychological Association. If the board prefers to avoid naming a specific accrediting organization(s), where will it (or they) be identified to the applicants and the public? (c)(2) How will “substantially equivalent” be evaluated? Where will the process be made available to applicants and the public? (d) We believe the internship should meet the standards of the Association of Psychology Postdoctoral and Internship Centers (APPIC), and should be listed in the APPIC directory. (f) Where will the “passing score” be made available to the applicant and the public if it is not identified here. (2) No comment	I agree with the WPA comments re Psy 2.012 (1)(c). I think we should list the APA and CPA specifically for the sake of clarity. 4. I disagree with WPA’s internship standards suggestions under Psy 2.012. Many psychologists’ complete internships in non-APPIC-listed sites, and the WPA proposed language would systematically exclude them from licensure. I don’t believe that such an exclusion could survive a court challenge, as I am aware of no research that shows performance issues with psychologists that completed such internships. Indeed, we have licensed hundreds of psychologists in recent years with no internship requirement at all. It would be seen as guild building.		If the APA is the only organization in the US, then specificity is not really needed. If anything, it might in the better interest of the Board to keep it broad to cover organizations that may have been missed or that appear later in the future without having to amend the Code again. If the Board still wishes to change Psy 2.012(1)(c) and Psy 2.01(3)(a), then my suggestion would be the following language: <i>An official transcript indicating a doctoral degree in psychology from a program accredited by any of the following organizations:</i> (iv) <i>American Psychological Association (APA)</i> (v) <i>Canadian Psychological Association (CPA)</i> (vi) <i>Any other organization approved by the examining board.</i>

<p>successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.</p> <p>(e) 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.</p> <p>(f) Evidence of passing score on the jurisprudence exam.</p> <p>(2) An interim psychologist license issued under s. 455.04 (2), Stats., is valid for 2 years or until the individual obtains a psychologist license under s. 455.04 (1), Stats, whichever is earlier. An individual holding an interim psychologist license is not required to complete continuing education.</p>				
<p>SECTION 12. Psy 2.10 (intro) and (1) are repealed and recreated to read:</p> <p>Psy 2.10 Supervised psychological experience. Except as provided in s. Psy 2.013, an applicant for licensure shall complete at least 3,000 hours of supervised graduate-level experience in the practice of psychology under conditions satisfactory to the examining board and shall include all of the following:</p>	<p>2.01 How will the “<i>conditions satisfactory to the examining board</i>” be specified and made available to the applicants and the public? Currently, there is no form for the supervisors to elucidate their credential or competencies.</p> <p>We strongly recommend that 2.10 (1)(a) and (b) be amended to require that all of the 1500 hours be supervised by a licensed psychologist who meets the qualifications of a supervisor specified in 2.10 (5)</p>	<p>I disagree with the WPA recommendation for interim licensee supervisor requirements.</p>		

<p>(1) Supervised hours shall consist of all of the following:</p> <p>(a) At least 1,500 hours of experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.</p> <p>(b) At least 1,500 hours of experience consisting of any combination of the following:</p> <ol style="list-style-type: none"> 1. Pre-internship hours that occur after the completion of the first year of the doctoral program or at any time while in a doctoral program after the completion of a master’s degree in psychology or its equivalent. 2. Hours accrued in the internship as described in sub. a. that are in excess of the 1,500 hours required under sub. a. 3. Post-internship hours accrued under the internship as described in sub. a., but before the conferral of the doctoral degree. 4. Postdoctoral hours obtained after the conferral of the doctoral degree. 	<p>and (6). The qualifications should be documented on a form provided by the board, DSPPS, or as part of the application packet.</p> <p>This requirement would not exclude other behavioral health professionals from being supervisors for applicants, it just clarifies that for licensure hours those hours need to be supervised by a licensed psychologist.</p> <p>An issue remains of what to call a person with an interim license. We recommend they be a “licensed psychologist” as that was the intention expressed to the legislature. Care must be taken in any name distinguishing an interim from a non-interim status.</p>			
<p>SECTION 17. Psy 4.025 (1) is amended to read:</p> <p>Psy 4.025 (1) Unless granted a postponement or waiver under s. Psy 4.04, every licensee except for those licensed under s. Psy 2.012 shall complete at least 40 board approved continuing education hours in each biennial registration</p>	<p>This section is a bit more complicated than it might seem.</p> <p>4.025(c) (3) Sets one standard by stating:</p> <p>During the time between initial Wisconsin licensure and commencement of a full 2-year licensure period, licensees shall not be required to meet</p>	<p>I agree with the WPA’s suggestion about adopting the language of 440.09(3)(a) as suggested on page 8 of their document. It always surprises me as to how confused psychologists get over the CE requirements. Clarity and consistency will help that confusion and will reduce work</p>	<p>This calls for a statutory change (455.06) and is something of a non sequitur anyway—the rule provision deals with continuing education while the 40.09(3)(a) language covers when a reciprocal license holder needs to renew.</p>	

<p>period, as specified in s. 455.06, Stats.</p>	<p>continuing education requirements. A different standard is set in 440.09 Reciprocal credentials for service members, former service members, and their spouses 440. 09 (3) (a) A reciprocal credential granted under this section expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted. We recommend adopting 440.09 (3) (a) as the rule for all non-interim licenses since it would add consistency and reduce confusion in the renewal process.</p>	<p>for dips staff who must respond to inquiries.</p>		
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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 21-084)

On December 14, 2021, the Joint Committee for Review of Administrative Rules approved a petition to repeal rules using the process under s. 227.26 (4), Stats.

ORDER

An order of the Psychology Examining Board to repeal Psy 2.013 (3), 2.018, 3, and 4.025 (4) relating to private practice school psychologist licensure, requirements for reciprocal candidates, and ABPP diploma exemption for initial licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 455.04; Stats., sections 33, 35, and 36 of the 2021 Wisconsin Act 22.

Statutory authority: Sections 15.08 (5) (b) and 227.11 (2) (a).

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides “[e]ach 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.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Related statute or rule:

None

Plain language analysis:

The Psychology Examining Board is updating the rules governing the practice of psychology based upon passage of 2021 Wisconsin Act 22. Act 22 discontinues the initial licensure of private practice school psychologists, eliminates the national exam and

continuing education requirements for reciprocal applicants, and ABPP diploma exemption for initial licensure. These updates eliminate now unauthorized rules related to these changes in Psy 2.013 (3), 2.018, 3, and 4.025 (4) of the Wisconsin Administrative Code. The Board has determined that these rules are unauthorized rules and seeks their repeal under s. 227.26 (4).

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Psy 2.013(3) is repealed.

SECTION 2. Psy 2.018 is repealed.

SECTION 3. Psy 3 is repealed.

SECTION 4. Psy 4.025(4) is repealed.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the day after publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Psychology Examining Board

**Psychology Examining Board
Rule Projects (updated 12/10/21)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/Synopsis	Current Stage	Next Step
21-080	060-21	12/21/2023	Psy 1, 2, and 4 (permanent)	Legislative Update (2021 WI Act 22). Act 22 creates requirements for a new interim psychologist license; modifies the conditions for the supervised psychological experience requirement; and clarifies the terms of the temporary practice for out of state providers. Also includes updates to chapter Psy 1 in order to comply with current standards of practice; and implements the reciprocal credential requirements for service members, former service members, and their spouses in accordance to 2019 Wisconsin Act 143.	Drafting rule	Final rule and Legislative Report will be submitted to Legislature once the revised draft is approved
EmR 2127	060-21	12/21/2023	Psy 1, 2, and 4 (emergency)	Legislative Update (2021 WI Act 22). Act 22 creates requirements for a new interim psychologist license; modifies the conditions for the supervised psychological experience requirement; and clarifies the terms of the temporary practice for out of state providers. Also includes updates to chapter Psy 1 in order to comply with current standards of practice; and implements the reciprocal credential requirements for service members, former service members, and their spouses in accordance with 2019 Wisconsin Act 143.	Effective as of 11/2/21. It will remain in effect until 11/2/2023 or until the permanent rule takes effect. Public Hearing held on 11/17/21.	N/A
21-084	N/A	N/A	Psy 2.013 (3), 2.018, 3, and 4.025 (4)	Expedited Repeal. Act 22 discontinues the initial licensure of private practice school psychologists, eliminates the national exam and continuing education requirements for reciprocal applicants, and ABPP diploma exemption for initial licensure.	Clearinghouse submitted to Legislature on 11/10/21. Pending reply.	Approval by Legislature

Psychology Examining Board

21-014	058-20	12/08/2022	Psy 2	Reciprocal Credentials	Drafting Final Rule and Leg. Report. This rule was added to Psy 1, 2, and 4.	
21-003	006-19	7/14/2021	Psy 2	Discrimination based on arrest or conviction record. This rule project revises Psy 2 pertaining to applications in order to clarify that applicants are required to submit documentation of their conviction record, and are only required to submit documentation of a pending charge if it is substantially related to the practice and it involves a crime against a child or life and bodily security, or a violent crime against a child, as defined in s. 111.335, Stats.	Adoption Order approved and signed by Chair on 11/17/21. Submitted to Register on 11/17/21. The rule will be effective on 1/1/22.	N/A
21-016	130-20	4/12/2023	Psy 5	Telehealth. This rule will include a definition of telehealth, and specify psychologists are to hold a Wisconsin license in order to diagnose and treat patients located in Wisconsin and are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.	Drafting preliminary rule. On hold pending telehealth bill 2021 SB 309 and 2021 AB 296.	

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Tamie Buckingham License/Permit Program Associate		2) Date When Request Submitted: 12/9/21	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 workdays before the meeting for Medical Board ▪ 14 workdays before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 1/12/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Psychology Issued Tracking Spreadsheet	
7) Place Item in: <input 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 _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Attached is the Psychology Issued Tracking Issued Spreadsheet.			
11) Authorization:			
Tamie Buckingham		12/9/21	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add item to agenda post agenda deadline)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 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 Bureau Assistant prior to the start of a meeting. 			

	A	B	C	D	E	F	G	H
PSYCHOLOGY BOARD								
	Month	Date Approved	Name of Applicant	License #	City	State	Zip Code	Staff
5	Oct-21	10/1/2021	Sophia Olton-Weber	3988-57	Milwaukee	WI	53202	
5	Oct-21	10/7/2021	Cynthia Adell	3989-57	Milwaukee	WI	53211	
7	Oct-21	10/12/2021	Ashley Whitmarsh	3990-57	Appleton	WI	54913	
3	Oct-21	10/20/2021	Jessica Lahner	3991-57	Waukesha	WI	53186	
9	Oct-21	10/20/2021	Melissa Harlow	3992-57	Milwaukee	WI	53212	
0	Oct-21	10/20/2021	Lisa Sanchez-Johnsen	3993-57	Chicago	IL	60622	
1	Oct-21	10/20/2021	Matthew Rozzi	3994-57	Madison	WI	53713	
2	Oct-21	10/21/2021	Tracy Guiou	3995-57	De Pere	WI	54115	
3	Oct-21	10/21/2021	Danielle Randall	3996-57	Waterford	WI	53185	
4	Oct-21	10/21/2021	Sindes Dawood	3997-57	Columbus	OH	43206	
5	Nov-21	11/1/2021	Vanessa Jessie	3998-57	Milwaukee	WI	53207	
5	Nov-21	11/5/2021	Adiona Mustafaraj	3999-57	New Berlin	WI	53151	
7	Nov-21	11/5/2021	Joshua Camins	4000-57	Champaign	IL	61822	
3	Nov-21	11/5/2021	Molly Kring	4001-57	Fitchburg	WI	53711	
9	Nov-21	11/11/2021	Chad Nashban	4002-57	Milwaukee	WI	53216	
0	Nov-21	11/12/2021	Hannah Koerten	4003-57	DeForest	WI	53532	
1	Nov-21	11/16/2021	Natasia Adams	4004-57	Madison	WI	53718	
2	Nov-21	11/23/2021	Sergio Sanchez	4005-57	Milwaukee	WI	53207	