



PSYCHOLOGY EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Brad Wojciechowski (608) 266-2112
April 27, 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**
 - 1) January 12, 2022 **(4-9)**
 - 2) February 23, 2022 **(10-12)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) 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
- F. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- G. Public Agenda Request: License Process Slowdown – Discussion and Consideration (13-23)**
- H. Credentialing Matters – Discussion and Consideration**
 - 1) Licenses Issued Between Meetings **(24-26)**
- I. Legislative and Policy Matters – Discussion and Consideration**
- J. Administrative Rule Matters – Discussion and Consideration**

- 1) Final Rule Draft: CR 21-016 (Psy 5) Relating to Telehealth (**27-43**)
- 2) Pending or Possible Rulemaking Projects (**44**)

K. Speaking Engagements, Travel, or Public Relation Requests, and Reports

- 1) Travel Report: ASPPB Mid-Year Meeting – April 21-24, 2022 – New Orleans, LA

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

M. COVID-19 – Discussion and Consideration

N. 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

O. 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.).

P. Deliberation on Department of Legal Services and Compliance (DLSC) Matters

- 1) Case Closing
 - a. 21 PSY 021 – A.H. (**45-48**)

Q. 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

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT DATE: JULY 13, 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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
JANUARY 12, 2022**

PRESENT: John Greene, Ph.D. (*arrived at 9:10 a.m.*); Mark Jinkins; Daniel Schroeder, Ph.D.; Peter Sorce; David Thompson, Ph.D. (*excused at 10:59 a.m.*)

EXCUSED: Marcus Desmonde, Psy.D.

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department Staff

CALL TO ORDER

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

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF NOVEMBER 17, 2021

MOTION: Mark Jinkins moved, seconded by David Thompson, to approve the Minutes of November 17, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Peter Sorce nominated the 2021 slate of officers to continue in 2022.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

The Slate of Officers were elected by unanimous voice vote.

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

(John Greene arrived at 9:10 a.m.)

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, David Thompson
Continuing Education Liaison(s)	Marcus Desmonde <i>Alternates:</i> John Greene
Monitoring Liaison(s)	David Thompson <i>Alternates:</i> Mark Jinkins
Professional Assistance Procedure (PAP) Liaison(s)	Mark Jinkins, Marcus Desmonde
Legislative Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, Peter Sorce, David Thompson
Travel Authorization Liaison(s)	Daniel Schroeder <i>Alternates:</i> Peter Sorce
Screening Panel	John Greene, David Thompson, Peter Sorce, Mark Jinkins

Delegation of Authorities

Document Signature Delegations

MOTION: Mark Jinkins moved, seconded by Peter Sorce, 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: David Thompson moved, seconded by Mark Jinkins, 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: Mark Jenkins moved, seconded by Peter Sorce, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive scheduled Board meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Peter Sorce moved, seconded by John Greene, to adopt the "Roles and Authorities Delegated for Monitoring" document presented in the January 12, 2022 agenda materials on pages 16-17, with the following modifications:

1. Modify "Modify Authorities Delegated to the Monitoring Liaison, provision 4 (p. 16) to add the language "independent evaluator" after the words "treatment providers"
2. Strike Authorities Delegated to the Department Monitor, provision 4 (p. 17)

Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Mark Jenkins moved, seconded by David Thompson, to delegate to 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 (Generic)

MOTION: Mark Jenkins moved, seconded by David Thompson, 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: David Thompson moved, seconded by Peter Sorce, 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: David Thompson moved, seconded by John Greene, 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 David Thompson, 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: David Thompson moved, seconded by Peter Sorce, 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 substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Peter Sorce moved, seconded by David Thompson, 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: David Thompson moved, seconded by John Greene, 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: David Thompson moved, seconded by John Greene, 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: John Greene moved, seconded by Peter Sorce, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: David Thompson moved, seconded by Peter Sorce, 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 Delegation

MOTION: Mark Jenkins 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 Authorization Liaison Delegation

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Final Rule Draft – CR 21-080: Psy 1, 2, and 4 – Legislative Update

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to authorize the Chairperson and David Thompson to approve the revised final rule draft for Clearinghouse Rule 21-080 relating to legislative update for submission to the Governor's Office and Legislature. Motion carried unanimously.

(David Thompson was excused at 10:59 a.m.)

Adoption Order – CR 21-084: Psy 2.013(3), 2.018, 3, 4.025(4) – Expedited Repeal

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to approve the Adoption Order for Clearinghouse Rule 21-084, relating to Psy 2.013 (3), 2.018, 3, and 4.025 (4) expedited repeal. Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jenkins moved seconded by Peter Sorce, 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: John Greene-yes; Mark Jenkins-yes; Daniel Schroeder-yes; Peter Sorce-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:07 p.m.

ORDERS FIXING COSTS

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Kathryn L. LaPierre, Psy. D, Respondent – DHA Case Number SPS-19-0053/DLSC Case Number 17 PSY 032. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:09 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: John Greene moved, seconded by Mark Jenkins, 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: Peter Sorce moved, seconded by John Greene, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:11 a.m.

**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
FEBRUARY 23, 2022**

PRESENT: Marcus Desmonde, Psy.D.; John Greene, Ph.D.; Mark Jinkins; Daniel Schroeder, Ph.D.; Peter Sorce (*arrived at 9:12 a.m.*); David Thompson, Ph.D.

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; 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 five (5) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Correct item M to read as “Deliberation on Division of Legal Services and Compliance Matters”

MOTION: David Thompson moved, seconded by Mark Jinkins, to adopt the Agenda as amended. Motion carried unanimously.

(Peter Sorce joined the meeting at 9:12 a.m.)

ADMINISTRATIVE MATTERS

Appointment of Liaisons and Alternates

Review of Modified Monitoring Delegations

MOTION: Mark Jinkins moved, seconded by Peter Sorce, to adopt the modified “Roles and Authorities Delegated for Monitoring” document presented in the February 23, 2022 agenda materials on pages 14-15. Motion carried unanimously.

LEGISLATIVE AND POLICY MATTERS

2021 Wisconsin Act 131 – PSYPACT

MOTION: David Thompson moved, seconded by Peter Sorce, to appoint Daniel Schroeder as Wisconsin’s PSYPACT Commission representative, to appoint John Greene as an alternate representative, and to delegate authority to these representatives to speak and act on behalf of the Board in all matters related to PSYPACT. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft – CR 21-016 (Psy 5), Relating to Telehealth

MOTION: Mark Jenkins moved, seconded by David Thompson, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve a germane modification to Clearinghouse Rule 21-016 (Psy 5), relating to telehealth; and to authorize DSPS staff to submit the germane modification to the Wisconsin Joint Committee for Review of Administrative Rules (JCRAR). Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

Consideration of Attendance: ASPPB Mid-Year Meeting – April 21-24, 2022 – New Orleans, LA

MOTION: Mark Jenkins moved, seconded by David Thompson, to designate Daniel Schroeder, as the Board's delegate, and to designate John Greene and Peter Sorce to attend the ASPPB Mid-Year Meeting on April 21-24, 2022 in New Orleans, LA. Motion carried unanimously.

CLOSED SESSION

MOTION: David Thompson moved seconded by Peter Sorce, 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: Marcus Desmonde-yes; John Greene-yes; Mark Jenkins-yes; Daniel Schroeder-yes; Peter Sorce-yes; and David Thompson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:38 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND
COMPLIANCE MATTERS**

Stipulations, Final Decisions and Orders

20 PSY 016 – Sandra L. Eugster, Ph.D.

MOTION: Peter Sorce moved, seconded by John Greene, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Sandra L. Eugster, Ph.D., DLSC Case Number 20 PSY 016. Motion carried unanimously.

CREDENTIALING MATTERS

Application Reviews

Matthew Seipel

MOTION: David Thompson moved, seconded by Peter Sorce, to approve the Psychologist application of Matthew Seipel, once all requirements are met. Motion carried unanimously.

Jonathan C. Easton

MOTION: David Thompson moved, seconded by Mark Jinkins, to approve the Psychologist application of Jonathan C. Easton, once all requirements are met. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:32 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 11:35 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 on behalf of Bruce Erdmann, Ph.D., Wisconsin Psychological Association		2) Date when request submitted: 4/15/2022 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: 4/27/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Agenda Request: License Process Slowdown	
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 review and consider the attached letter. Take action as deemed necessary by the Board.			
11) Authorization			
<i>Kimberly Wood</i>		4/15/2022	
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: 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.			



Wisconsin Psychological Association

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wipsychology.org

March 16, 2022

2021-22

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Secretary Crim and the Psychology Examining Board
4822 Madison Yards Way
Madison, WI 53705

Dear Secretary Crim and Members of the Board:

We thank Secretary Crim for meeting with us on February 15 and hearing our concerns. We thought it would be helpful to all concerned if we expressed those concerns in writing and also submit them to the Psychology Licensing Board.

Wisconsin Act 22 regarding licensure of psychologists became law, effective June 1, 2021. One of the goals of this act was to grant an interim psychologist license to trainees who have earned their doctorate and are currently accruing postdoctoral supervised hours or those preparing to take the national examination, the EPPP. Since this act became law multiple issues have arisen related to it. These primarily center on the licensure process itself. Some of these issues are described below.

Access issues with the DSPS

Candidates for licensure have reported an inability to access DSPS by phone for inquiry/resolution of licensing problems. They have documented evidence of being on hold for four hours or more with no response forthcoming from DSPS. The inability to get a timely response from DSPS has extended to email communications related to inquiries into licensure problems.

Additionally, we have received multiple reports of slowness with processing required documents and fees for licensure by DSPS. These have extended up to several months to a full year in time. There have been significant delays in the updating of the applicants' online checklists to reflect documents received and fees processed. As an example, applicants' checks were cashed immediately but it took three months (or more) before DSPS showed that the fees were actually paid. Many applicants are told that they have not submitted the required documentation even when they have done so, and are then referred to the out-of-date online checklist.

DSPS's delays in processing the licensing documentation received from applicants has multiple effects.

- It delays their receipt of the interim psychologist license. This is unfortunate because part of the intent of the interim license is to keep qualified psychologists in Wisconsin, especially now when we are in the midst of a mental health crisis.

- It delays the approval needed from the state to take the EPPP national examination that is required for full licensure.
- It prohibits individuals from gaining full licensure to provide mental health services in Wisconsin.

Delays in granting a license of six months or more are typical. This results in a great deal of frustration for applicants. Several individuals have opted to seek employment in other states to avoid having to deal with the ongoing delays and roadblocks. Not only does this affect the professionals involved, but it also limits the ability of citizens in the state to obtain services from such professionals.

Problematic licensing statute issues and DSPS

Currently, DSPS staff seem to have some confusion when an applicant submits documents for both the interim and full licensure process simultaneously. They seem to interpret this as the applicant applying only for full licensure. The applicants are then not considered for the interim psychologist license in the meantime.

There should be no need for applicants to submit (and for DSPS staff to review) the same forms and information twice, once for each license. Rather, DSPS should maintain a list of licensees with the two-year interim license. This would make obtaining full licensure for these individuals a very straightforward, easy process for both the applicants and the DSPS staff. The intent of the licensure act was that interim licensees would be granted the same licenses as any other psychologist for their initial two years. At the end of this time, they would apply for a full license having documented completion of the EPPP, eligible pre-degree supervision, and the postdoctoral training requirements. These would be the only unmet requirements remaining for full licensure once the interim license has been obtained. This again would streamline the entire process of trainees transitioning to full licensure in Wisconsin.

A second issue has arisen in regards to Form 2555 (Parts A and B). DSPS staff is requiring out-of-state supervisors to submit a resume/curriculum vitae when providing documentation for an applicant. Form 2555 does not indicate a need for these materials. It is important to point out that for applicants from APA accredited doctoral programs and APA accredited internships, there is already a credentialing body vouching for the quality of training in a manner that is more meaningful than that of a supervisor's curriculum vitae. This requirement for out-of-state supervisors seems like an unnecessary requirement for licensure applicants graduating from APA accredited doctoral programs and internship sites and is not consistent with the statute. It again serves only as a barrier to psychologists seeking to become licensed in Wisconsin and an unnecessary burden on DSPS staff.

A third issue which has arisen particularly for individuals with out-of-state clinical supervisors from an APA accredited internship is that they will submit supervisor verification of their internship hours as well as the curriculum vitae from their supervisor. DSPS then seems to be requiring the applicant to provide a "written narrative to petition the board" for approval of the supervised hours submitted for the interim license. There is no guidance provided on what constitutes a sufficient "written narrative to petition the board". Applicants end up guessing at what is required for this with no clear direction. This requirement is not consistent with the statute. This again constitutes a barrier to applicants who are trying to become licensed.

Finally, the intent of the licensing act was that the interim psychologist license would be the same license granted as the full license. This would be in effect for two years during which time the applicant would complete the EPPP and their postdoctoral supervised experience. The intent was not that a second license would be developed for these individuals. If the interim license becomes a distinctly different license from the full license, individuals with an interim license would likely not be able to get through credentialing/privileging processes for employment sites or insurance panels. This would severely restrict their eligibility for reimbursement for services delivered as they would not be able to see many types of patients including commercially insured patients and Medicare patients.

This would defeat the purpose of the interim license to begin with. The training of such individuals would place a significant financial burden on the sponsoring institutions as they would be required to show that much of the cost of hosting these professionals if they are unable to provide services and bill most insured patients.

The following chart summarizes the requirements established by the statute:

Interim*	Full	
x	x	(1) Subject to s. 455.09, the examining board shall grant a psychologist license to an individual who submits an application for the license
x	x	pays the fee determined and satisfies all of the following requirements:
x	x	(a) Be at least 18 years of age.
x	x	(b) Subject to ss. 111.321, 111.322, and 111.335, not have a conviction record.
x	x	(c) Hold a doctoral degree in psychology from accredited program
x	x	(d) 1. At least 1,500 hours of experience in an internship,
		2. At least 1,500 hours of experience consisting of any combination of the following
	x	a. Pre-internship hours that occur after the completion of the first year of the doctoral program or after the completion of a master’s degree
	x	b. Excess Hours accrued in the internship
	x	c. Post-internship hours accrued after internship but before the conferral of the doctoral degree.
	x	d. Postdoctoral hours obtained after the conferral of the doctoral degree.
	x	(e) EPPP
x	x	(f) State Law exam
	x	Fingerprinting (requirement added by the PSYPACT legislation)

*An individual licensed under this subsection may provide psychological services only under the supervision of qualified supervisors, as determined by the examining board.

The chart does not give information about additional requirements for these categories of licensure:

- substantially equivalent academic training as determined by the board
- applicants with an existing certificate or license from another state or territory if substantially equivalent, or
- applicants trained in a foreign country or province; the examining board may require examinations to determine the equivalence of training for individuals holding doctoral degrees in psychology from non-American universities.

Secretary Crim, Members of the Psychology Examining Board, it is our supreme hope that we can work together to resolve these problems. We greatly appreciate the time Secretary Crim gave us on February 5, 2022, to share our concerns. From that meeting we learned about the severe personnel shortage in DSPS, and of the hopes for the new software that becomes functional later this year. We will continue to monitor the situation, actions of the board, and actions of DSPS toward resolving this issue. We also plan to take up the issue with the legislature and the governor. Hopefully, all these efforts will result in a smoother licensure process for psychologists and others served by DSPS.

Sincerely,
 Bruce Erdmann, Ph.D.
 Wisconsin Psychological Association Advocacy Cabinet.

Testimonials

Here are some of the testimonials we have received.

Tuesday, February 1, 2022

One of our postdocs is staying on for a full-time position. She applied for full licensure on June 1, 2021. She called [DSPS] weekly starting in August/September, and this is when her application started moving. She got her license after that weekly effort on Nov. 15, 2021.

Meredith E. Rumble, PhD
Associate Professor (CHS), Department of Psychiatry
Director, Adult Track, Clinical Psychology Internship Program
Licensed Clinical Psychologist
University of Wisconsin, Madison
Pronouns: she, her, hers
<http://www.psychiatry.wisc.edu/staff/rumble-meredith/>

Tuesday, February 1, 2022

Our 2nd year Child/Adolescent program fellow initiated the licensing process in January 2021 expecting to take the EPPP in Feb/March 2021. She completed all supervised fellowship hours at the end of August 2021 and submitted the final documents to verify hours at that time. In Mid-December 2021 we contacted Dr. Dan Schroeder and Secretary Dawn Crim. Unfortunately, there was again no movement on her license. In mid-January 2022, we emailed Secretary Crim again. The applicant was then told that she needed to submit a new application and send official transcripts again "because her application is now over 1 year old". She complied on January 30, and 24 hours later the license was granted.

Dr. Jennifer Michels,
Director of Training for the Adult Clinical and Health Psychology Postdoctoral Fellowship
Department of Psychiatry and Behavioral Health
Marshfield Clinic Health System
Office: 1-800-782-8582, Ext: 79004
Email: michels.jennifer@marshfieldclinic.org

Thursday, March 3, 2022 at 10:13 PM

One staff member submitted materials in May and, after many phone calls and emails, finally, heard from the board after 10 months that she is eligible to take the EPPP.

Another staff member told me that he had submitted all of his materials, passed the EPPP [national exam] and was licensed rather quickly "because I saw others were waiting half a year or longer, so I almost immediately got my senator involved."

I have 4 staff in DJC eligible for the interim license, they will hopefully obtain licensure in the near future.

Dr. Tracy Johnson
Psychology Director
Division of Juvenile Corrections,
Department of Corrections
Tracy.Johnson@wisconsin.gov

Date: Thursday, March 3, 2022

To: Chair Sortwell, Vice Chair Allen, Members of the Committee on Regulatory Licensing Reform

From: Jennifer Milliken, PhD
Madison, Wisconsin

RE: Informational Hearing on the DSPS license Backlog

My application #739527 for the Wisconsin Psychologist License was completed on September 8, 2021 when I submitted my hours for post-doc completion (Form #2555). It is now March 3, 2022; 6 months later. I first submitted my application and paid the application fee of \$156 in November of 2020. I have sent my transcripts from Northern Illinois University to DSPS three times (cost \$11 per transcript). The status of my transcripts on the DSPS website remains "Not Met." I spent countless hours studying for the EPPP. Took the exam on August 25, 2021 and passed with a score of 633. The status of the EPPP examination on the DSPS website remains "Not met." The only piece of information that has been updated in my application since November of 2020 is that I passed the Wisconsin Statutes and Rules Examination. I took the Wisconsin Statutes and Rules Examination on September 1, 2021. The results were not updated until January 31, 2022.

I submitted the application for a temporary license (cost \$10) in November of 2021. In my application for the temporary license, I included all of the "missing" requirements for the full license (i.e., transcripts, EPPP score report, Form #2555, results of the Wisconsin Statutes and Rules Examination). I was hoping that the receipt of the application for a temporary license might expedite the process for the full license, but it has not.

I've sent many, many emails to dps@wisconsin.gov and DSPPCredPsychology@wisconsin.gov. There have been no replies by email, except for the automatically generated replies. I have spent hours (up to 5 hours at a time) on the phone trying to talk to someone from DSPS. After waiting on the phone for hours at a time, I have rarely been able to speak to someone. I often get transferred around or to a voicemail machine. I have received zero return calls.

Jennifer Milliken, PhD
Clinical Psychology

Fri, Mar 4, 2022 at 12:59 PM

Both my undergraduate and graduate degrees are in Clinical Social Work from the UW- Madison, after which I left the state, earning my LCSW in Arizona in 1997. Three years ago, I moved back to Madison and have been trying to get my LCSW in this state ever since. Along the way, DSPS:

- Put my initial paperwork in the wrong stack of applications and didn't inform me for 6 months.
- Denied my application for reciprocity.
- Denied my appeal to even get a hearing for them to listen to my case.
- After denying my appeal, DSPS posted a new statement on their site that lists the states which will not be granted reciprocity, including Arizona. This would have been good to know a year earlier.
- Required that I take a Graduate course at the School of Social Work.
- Denied my post-graduate supervised hours and denied again when I appealed.
- Lost, then questioned my re-submitted post-grad supervised hours numerous times.
- Required me to submit a resume and narrative of the supervisor of my post-grad supervisor, who is deceased.
- Told me I had to get my APSW, then complete 2,000 new hours of supervised practice, even though their site indicates I have met this requirement by passing the national LCSW exam.
- A few days ago, DSPS told me to re-submit some City of Madison paperwork that I already sent them in 2019. The City requires a minimum of 8 weeks to respond to my request.

Throughout all of this, I've left dozens of voicemails and emails (no reply), have contacted two State Representatives, written to Dawn Crim directly, and have been treated rudely and even berated by the staff at the DSPS office in Madison.

In a brilliantly ironic move the state gave me a temporary LCSW over a year ago due to the pandemic. This was granted within five minutes of when I submitted a questionnaire -- how thoroughly did they vet me?

Michelle Pitot, Ed.D., MSSW
 Mental Health Senior Counselor
 University Health Services
 333 East Campus Mall, 7th floor
 608-265-5600
 michelle.pitot@wisc.edu
 Personal pronouns: she, her, hers

Fri, Mar 4, 2022 at 8:12 AM

Hi Dr. Erdmann and Mr. Pfaffenbach,

I am a first year neuropsychology post-doctoral fellow at the Milwaukee VA. I submitted my paperwork for licensure on August 31, 2021. My check was cashed almost immediately and then I heard nothing nor was I able to get a hold of anyone about the status of my application to even know how long it would take to process. In October, I decided that since I had not heard from anyone, I was going to pursue licensure in another state. I applied for licensure in the state of Iowa and within 24 hours of me completing their application process, I had approval to take the EPPP, which I took and passed on January 4, 2022. The application process for Iowa was incredibly streamlined using an entirely online portal system instead of having to mail and email in forms, I was actually able to get ahold of someone. I finally received approval to take the EPPP on February 23, 2022. Once I received my email from Wisconsin last week, I sent them an email saying that I was not pursuing licensure in this state anymore. I hope that they will refund my money, but I doubt they will.

I have been recommending to all my co-fellows that they pursue licensure in Iowa if they don't plan on staying in Wisconsin because the process was slow, confusing, and dysfunctional. I highly recommend that Wisconsin look to Iowa as an example for how to streamline the process. When I had questions about their application, I was able

to email or call and get an answer within 24 hours. I am not sure why it took 6 months for Wisconsin to process my application. This delay is particularly detrimental to those who only have a 1 year post-doctoral fellowship. Mine is 2 years so I suppose I could have waited; however, I wanted to take the EPPP as early as possible to ensure by the time I finished I would be fully licensed when I look for a job.

Additionally, I was thankful for my colleagues above me who did pursue licensure in Wisconsin (before this delay occurred) to tell me that my internship training director also needed to send her CV because that is not listed as a required document on the DSPS application form and they were all told after they submitted their applications that they were incomplete until that document was received. Not that it matters for me now because I am not going to register for the EPPP in Wisconsin since I have already taken it. Even if I wanted to pursue licensure in Wisconsin, I am not sure I would be able to get ahold of anyone to ask them about the process of transferring my license from Iowa to Wisconsin since nobody answers the phones or emails. I would certainly have questions because I have an open application with Wisconsin right now, but my hopes are so low that I would hear back. I also doubt I will hear back from them about how to withdraw from the application process since I am not pursuing licensure in Wisconsin. As a result, I hope somebody someday sees my email that I have withdrawn. I really appreciate you taking the time to reach out to elicit feedback and experiences from us.

Thank you,

Christine Ockrassa, Psy.D. (she/her)
Neuropsychology Postdoctoral Fellow
Clement J. Zablocki VA Medical Center
5000 W. National Ave.
Milwaukee, WI 53295
(414) 384-2000 ext. 44335
Christine.Ockrassa@va.gov

March 7, 2022 at 3:04 PM [Edited for brevity]

I am going to attach some emails that I sent out over the course of May last year until DSPS finally got back to me about 3 weeks. I also tried phoning them several times, left messages, and never received calls back. I know for sure that two of the dates I phoned and left messages are 11/11/21 (no call back from them) and on 12/6/21 I asked to be forwarded to the department's supervisor. I again left a message with the supervisor and got no response.

I do have concern, as I seem to have read recently that the application process needs to be completed within a year (EPP and all!) and I JUST heard back from DSPS on February 15 of 2022!

I need to know from them if I will qualify for licensure being that I did my doctorate program in the UK and my Masters in the States. I have asked that program to send DSPS my transcript. The university in the UK, however, will only send verification of my completion of a doctorate, as it is an autodidactic approach to a Ph.D. and there are no classes. No one has gotten back to me about this matter yet.

Dr. Victoria Sebranek

Below it this email string referred to above (please note the dates): [Edited for brevity]

From: Sebranek, Victoria S - DOC
Sent: Wednesday, **June 2, 2021 1:15 PM**
To: DSPS <DSPS@wisconsin.gov>
Subject: Application #766922

Regarding my application for Licensure in Psychology, I see that the only requirement met thus far is the application fee, which cleared my account on 5/13/2021. I just want to make sure that my application falls under the licensing law prior to June 1, 2021.

From: Sebranek, Victoria S - DOC <Victoria.Sebranek@wisconsin.gov>
Sent: Wednesday, **August 25, 2021 11:58 AM**
To: DSPS <DSPS@wisconsin.gov>
Subject: RE: Application #766922

I submitted my application for licensure on 5/6/21 and have heard nothing in return regarding my application/eligibility. Could you please let me know where in the process things are and if I can be of any assistance in moving things forward or in answering any questions?

From: DSPS CRED Psychology
Sent: Tuesday, **February 15, 2022 4:16 PM**
To: Sebranek, Victoria S - DOC <Victoria.Sebranek@wisconsin.gov>
Subject: RE: Application #766922

We have done the initial review of your application; you will receive a system generated email that will direct you to the website to view your status.

Thanks,
Tamie B | License/Permit Program Associate | Division of Professional Credential Processing
State of Wisconsin Department of Safety & Professional Services

Monday, March 7, 2022 2:19 PM

My experiences have primarily been waiting to hear back regarding my application despite numerous contact attempts. I believe all materials have been received for approximately 1.5 - 2 months and still no word. It is also inconvenient to have to take a half day off to drive to Madison to get my application through.

Thanks,
Alex

Alex H. Buhk, PhD
Clinical Health Psychology Postdoctoral Fellow
Medical College of Wisconsin
Department of Psychiatry and Behavioral Medicine
Phone: 414-955-8900
Fax: 414-955-6285

Wed, Mar 9, 2022 at 2:36 PM

Subject: Licensing Trouble

I passed the EPPP on September 25, 2021. I had started the process prior to the pandemic and then I had my initial test date canceled as a result of the pandemic. After passing the EPPP and state exam I reached out to DSPS to make sure I had completed everything I needed to do to receive my license.

I sent them multiple emails and usually only got the auto-generated response back. I also attempted to call them multiple times (10+ times), but rarely ever talked to anyone on the phone. I was on hold for over 1 hour on multiple occasions. On the few occasions I did speak to someone, as soon as I would explain my issue they would immediately transfer me to another department, where I would again be on hold for a significant period of time. I left at least 6 voicemails detailing my issue, provided my contact information, and requested a callback. I never received a return call.

Finally, in late February I contacted my state senator with my concerns. His office responded the next day that they had reached out to DSPS and I should be hearing back from them soon. Within 24 hours my license was issued on February 25th. While I don't want to seem ungrateful for receiving my license that quickly after reaching out, it is frustrating to know that the process could have been completed that quickly at any point in time.

James Besson, Psy.D.
Psychological Associate – Dodge Correctional Institution
1 W. Lincoln St.
Waupun, WI 53963
Phone – 920-324-5577 ext. 6262
Email - James.Besson@wisconsin.gov

Wednesday, March 10, 2022

To: Chair Sortwell, Vice Chair Allen, Members of the Committee on Regulatory Licensing Reform

RE: Informational Hearing on the DSPS license Backlog

My application #739527 for the Wisconsin Psychologist License was completed on September 8, 2021 when I submitted my hours for post-doc completion (Form #2555). It is now March 3, 2022; 6 months later. I first submitted my application and paid the application fee of \$156 in November of 2020. I have sent my transcripts from Northern Illinois University to DSPS three times (cost \$11 per transcript). The status of my transcripts on the DSPS website remains "Not Met." I spent countless hours studying for the EPPP. Took the exam on August 25, 2021 and passed with a score of 633. The status of the EPPP examination on the DSPS website remains "Not met." The only piece of information that has been updated in my application since November of 2020 is that I passed the Wisconsin Statutes and Rules Examination. I took the Wisconsin Statutes and Rules Examination on September 1, 2021. The results were not updated until January 31, 2022.

I submitted the application for a temporary license (cost \$10) in November of 2021. In my application for the temporary license, I included all of the "missing" requirements for the full license (i.e., transcripts, EPPP score

report, Form #2555, results of the Wisconsin Statutes and Rules Examination). I was hoping that the receipt of the application for a temporary license might expedite the process for the full license, but it has not.

I've sent many, many emails to dsp@wisconsin.gov and DSPCredPsychology@wisconsin.gov. There have been no replies by email, except for the automatically generated replies. I have spent hours (up to 5 hours at a time) on the phone trying to talk to someone from DSPS. After waiting on the phone for hours at a time, I have rarely been able to speak to someone. I often get transferred around or to a voicemail machine. I have received zero return calls.

Jennifer Milliken, Ph.D.
Clinical Psychology
Milwaukee, Wisconsin

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jennifer Lamb License/Permit Program Associate, Sr		2) Date When Request Submitted: 4/12/22	
		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: April 27, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Psychology applications and licenses issued in Feb and Mar 2022	
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 (<u>Fill out Board Appearance Request</u>) (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: ACT 10 Jan issued = 4 Feb issued = 7 March issued = 5			
11) Signature of person making this request <i>Jennifer N. Lamb</i>		Authorization: Date 04/12/22	
Supervisor (if required) <i>Samantha Lange</i>		Date 4/12/2022	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the 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.			

APPLICATION COUNTS by MONTH

FROM: 1/1/2022 TO: 3/31/2022

PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL
Psychologist(57)	2022	15	16	15	0	0	0	0	0	0	0	0	0	46

run:4/12/2022 3:04:46 PM report:ApplicationCountsByMonth url:http://DBWMAD0P3867:80/ReportServer user:ACCOUNTS\lagesjdc

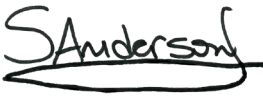
	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	CREREDENTIALS ISSUED BY MONTH														
	FROM: 1/1/2022 TO: 3/31/2022														
	PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YR TOTALS
1	Psychologist(57)	2022	9	4	22	0	0	0	0	0	0	0	0	0	35
5															
5															
7															
3															
3															
4															

PSYCHOLOGY BOARD

Month	Date Approved	Name of Applicant	License #	City	State	Zip Code	Staff
Feb-22	2/18/2022	Lori Garfinkel	4019-57	Shorewood	WI	53211	
Feb-22	2/21/2022	Jessica Baker	4020-57	Hartland	WI	53029	
Feb-22	2/25/2022	James Besson	4021-57	Fond Du Lac	WI	54935	
Feb-22	2/25/2022	Matthew Seipel	4022-57	Greendale	WI	53129	
Mar-22	3/3/2022	Sara Conklin-Weaver	4023-57	Milton	WI	53563	
Mar-22	3/4/2022	Lauren Golla	4024-57	Clarkson	MI	48346	
Mar-22	3/8/2022	Jordan Robinson	4025-57	Eagan	MN	55123	
Mar-22	3/8/2022	Tyler Brown	4026-57	Brillion	WI	54110	
Mar-22	3/9/2022	Nicole O'Keefe	4027-57	Tomah	WI	54660	
Mar-22	3/10/2022	Nathalie Rieder	4028-57	Milwaukee	WI	53202	
Mar-22	3/11/2022	Kelly Spanier	4029-57	Marshfield	WI	54449	
Mar-22	3/11/2022	Mark Fischer	4030-57	Carmel	IN	46032	
Mar-22	3/11/2022	Kristie Schaefer	4031-57	Plymouth	MN	55447	
Mar-22	3/11/2022	Kristen Lane	4032-57	Duluth	MN	55802	
Mar-22	3/11/2022	Christine Zerka Yoo	4033-57	Evanston	IL	60201	
Mar-22	3/11/2022	Catherine Troncone	4034-57	Loveland	OH	45140	
Mar-22	3/15/2022	George Lough	4035-57	Sherman Oaks	CA	91423	
Mar-22	3/21/2022	Kari Halko-Weekes	4036-57	Chino	CA	91710	
Mar-22	3/21/2022	Jenna Krickeberg	4037-57 Interim	Madison	WI	53704	
Mar-22	3/22/2022	Michaela Merrill Mayfield	4038-57	Duluth	MN	55805	
Mar-22	3/22/2022	Steven Charpentier	4039-57	New Richmond	WI	54017	
Mar-22	3/22/2022	Rebekah Mastel	4040-57	Milwaukee	WI	53202	
Mar-22	3/23/2022	Heather Bodurtha	4041-57	Cottage Grove	MN	55016	
Mar-22	3/24/2022	Gregor Schwarz	4042-57	Milwaukee	WI	53207	
Mar-22	3/25/2022	Jill Delie	4043-57 Interim	Milwaukee	WI	53222	
Mar-22	3/31/2022	Sarah Murphy	4044-57	Madison	WI	53726	

**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: 4/15/2022 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: April 27, 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 21-016: Psy 5 relating to telehealth. 2. 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 with modifications and Legislative Report for CR 21-016: Psy 5 relating to telehealth. 2. Psy 1, 2, and 5 Redlined Chapters 3. Psy 5 Scope Statement 4. Rule projects chart.			
11) Authorization			
		4/15/2022	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the 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 :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PSYCHOLOGY EXAMINING BOARD : CR 21 - 016**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The current Psychology Examining Board rules are silent on telehealth. This rule will include a uniform definition of telehealth given by 2021 Wisconsin Act 121, and specify psychologists are to hold a Wisconsin license or have valid certificates through the Psychology Interjurisdictional Compact or PSYPACT (2021 Wisconsin Act 131) 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. The Psychology Examining Board seeks to revise its rules to provide greater clarity for psychologists with regards to the practice of telehealth.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Psychology Examining Board held a public hearing on March 31, 2021. We received a public comment from Danielle McGinnis. The comment did not contain any recommendations on the rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Back in March of 2021, the Clearinghouse Report recommended specifying the forms of communication that would be included under the definition of telehealth. At that time, the Board accepted all the Clearinghouse comments. However, Clearinghouse comment number 3 regarding the forms of communication is no longer applicable due to 2021 Wisconsin Act 121 enacted in February of 2022. Act 121 provides a uniform definition of

telehealth and instructs all examining boards to reference this definition if working on a telehealth rule project. In order to comply, the uniform definition reference has replaced the original definition provided in the 2021 preliminary rule draft.

Additionally, also in February of 2022 2021 Wisconsin Act 131 was enacted and ratified the Psychology Interjurisdictional Compact or PSYPACT, which provides ways to facilitate the process for licensed psychologist to provide telepsychological services across state lines through a certificate called “E.Passport” or by obtaining the interjurisdictional practice certificate. These stipulations were added to the other requirements for telehealth practice presented in the 2021 preliminary rule draft.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date April 12, 2022
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Psy 5	
4. Subject Telehealth	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The current Psychology Examining Board rules are silent on telehealth. This rule will include a uniform definition of telehealth given by 2021 Wisconsin Act 121, and specify psychologists are to hold a Wisconsin license or have valid certificates through the Psychology Interjurisdictional Compact or PSYPACT (2021 Wisconsin Act 131) 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.	
12. 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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. 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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The Department estimates one-time administrative costs of \$653.03. These costs may be absorbed in the agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is established standards of conduct for providing psychological services using telehealth. If the rule is not implemented, these standards will remain unclear.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is established standards of conduct for providing psychological services using telehealth.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois Statute provides that telehealth includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system. Illinois law further provides that “[a] health care professional treating a patient located in this State through telehealth must be licensed or authorized to practice in Illinois.” Practice of telehealth in Illinois is limited to the extent of the practitioner’s scope of practice as established in his or her respective licensing and consistent with the standards of care for in-person services. Psychologists are included in the definition of “health care professionals.”

Iowa: Iowa law defines telehealth as “...the delivery of health care services through the use of interactive audio and video.” “Telehealth” does not include the delivery of health care services through an audio-only telephone, electronic mail message, or facsimile transmission. Services must comply all rules adopted by the appropriate professional licensing board, having oversight of the health care professional providing the health care services. Mental health is included in the delivery of health care services.

Michigan: Michigan law defines “telemedicine” in their insurance code as the use of an electronic media to link patients with health care professionals in different locations. To be considered telemedicine under this section, the health care professional must be able to examine the patient via a statutorily compliant, secure interactive audio or video, or both, telecommunications system. Psychologists are included in the definition of “health care professionals.”

Minnesota: Minnesota’s Governor issued an Executive Order authorizing and requesting “... out-of state mental healthcare providers who hold a current license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications and competencies for licensees to render aid involving those skills in Minnesota by telehealth to meet the needs of this emergency.” Out-of-state practitioners must submit to the jurisdiction of the Minnesota health related regulatory and licensing boards. The relevant board may revoke a provider’s authorization to practice under this Executive Order at the board’s discretion. Minnesota’s telehealth law applies to physicians and is silent as to psychologists practicing telehealth.

19. Contact Name

Sofia Anderson

20. Contact Phone Number

(608) 261-4463

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

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 21-016)

PROPOSED ORDER

An order of the Psychology Examining Board to create Psy 1.02 (11), 2.14 (2m), and 5.02 (1) and (2), relating to telehealth.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 440.01 (1) (hm), 455.03 (2) and (3), Stats.

Statutory authority: Section 15.08 (5) (b), Stats., and section 5 of 2021 Wisconsin Act 121.

Explanation of agency authority:

Section 15.08 (5) (b), Stats.: “Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats.: “Each 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 5 of 2021 Wisconsin Act 121: “If the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define “telehealth” to have the meaning given in s. 440.01 (1) (hm).”

Related statute or rule:

None.

Plain language analysis:

The current Psychology Examining Board rules are silent on telehealth. This rule will include a uniform definition of telehealth given by 2021 Wisconsin Act 121, and specify psychologists are to hold a Wisconsin license or have valid certificates through the Psychology Interjurisdictional Compact or PSYPACT (2021 Wisconsin Act 131) 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.

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:

None received.

Comparison with rules in adjacent states:

Illinois:

Illinois Statute provides that telehealth includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system. Illinois law further provides that “[a] health care professional treating a patient located in this State through telehealth must be licensed or authorized to practice in Illinois.” Practice of telehealth in Illinois is limited to the extent of the practitioner’s scope of practice as established in his or her respective licensing and consistent with the standards of care for in-person services. Psychologists are included in the definition of “health care professionals.”

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Iowa law defines telehealth as “...the delivery of health care services through the use of interactive audio and video.” “Telehealth” does not include the delivery of health care services through an audio-only telephone, electronic mail message, or facsimile transmission. Services must comply all rules adopted by the appropriate professional licensing board, having oversight of the health care professional providing the health care services. Mental health is included in the delivery of health care services.

Michigan:

Michigan law defines “telemedicine” in their insurance code as the use of an electronic media to link patients with health care professionals in different locations. To be considered telemedicine under this section, the health care professional must be able to examine the patient via a statutorily compliant, secure interactive audio or video, or both, telecommunications system. Psychologists are included in the definition of “health care professionals.”

Minnesota:

Minnesota’s Governor issued an Executive Order authorizing and requesting “... out-of state mental healthcare providers who hold a current license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications and competencies for licensees to render aid

involving those skills in Minnesota by telehealth to meet the needs of this emergency.” Out-of-state practitioners must submit to the jurisdiction of the Minnesota health related regulatory and licensing boards. The relevant board may revoke a provider’s authorization to practice under this Executive Order at the board’s discretion. Minnesota’s telehealth law applies to physicians and is silent as to psychologists practicing telehealth.

Summary of factual data and analytical methodologies:

The Psychology Examining Board reviewed and seeks to revise its rules to provide greater clarity for psychologists with regards to the practice of telehealth.

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

The proposed rules were 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; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Psy 1.02 (11) is created to read:

Psy 1.02 (11) “Telehealth” is defined under s. 440.01 (1) (hm), Stats.

SECTION 2. Psy 2.14 (2m) is created to read:

Psy 2.14 (2m) A psychologist may exercise a compact temporary authorization to practice in this state or practice interjurisdictional telepsychology as established in ss. 455.03 (2) and (3).

SECTION 3. Psy 5.02 is created to read:

Psy 5.02 Telehealth

(1) The standards of practice and professional conduct under this chapter apply to a licensee regardless of whether health care service is provided in person or by telehealth.

(2) A psychologist who uses a telehealth visit to provide psychological services to a patient located in this state shall be licensed by the board, hold a valid interjurisdictional practice certificate, or have a valid E.Passport issued by the Association of State and Provincial Psychology Boards (ASPPB).

SECTION 4. 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)

This Proposed Order of the Psychology Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Chairperson
Psychology Examining Board

Chapter Psy 1

AUTHORITY AND DEFINITIONS

Psy 1.01 Authority.
Psy 1.02 Definitions.

Psy 1.01 Authority. The rules in chs. Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 (1), 455.065 (3), 455.065 (5), 455.08 and 455.09 (1) (g), Stats.

Psy 1.02 Definitions. As used in chs. Psy 1 to 5:

- (1) "Applicant" means any person who applies for a license from the board.
- (2) "Board" means the psychology examining board.
Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708, telephone (608) 266-0070.
- (3) "Client" means the individual, group, business, agency, school, organization, or association for whom the licensee of the board provides professional services for which the licensee is usually and customarily compensated. The term "client" includes the term and concept of "patient."
- (4) "Department" means the department of safety and professional services.
- (5) "Disciplinary proceeding" means a proceeding against one or more licensees in which the board determines whether or not to revoke or suspend a license, to reprimand a licensee, to limit a license, or refuse to renew a license.
- (5m) "Dual relationship" means a situation in which a psychologist provides professional services to a person with whom the psychologist has another relationship such as, but not limited to, relatives, close friends, employees or employers, students or other supervisees.
- (5s) "EPPP" means the Examination for the Professional Practice in Psychology which is the board approved examination on the practice of psychology.
- (6) "Gross negligence in the practice of psychology" means the performance of professional services that do not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety, or welfare of patient or public, and that are performed in a manner indicating that the licensee knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.
- (6m) "Jurisprudence exam" means the board approved examination on the elements of practice essential to the public health, safety, or welfare.
- (7) "One contact hour" means at least 50 minutes that the psychologist spends directly engaged in a continuing education activity approved by the board.
- (8) "Private practice of school psychology" means providing psycho-educational evaluation and intervention for the prevention and treatment of educationally relevant problems. Intervention includes service to the student or consultation with persons who affect the student's education program.
- (9) "Prohibited dual relationship" means a dual relationship which may impair objectivity or effectiveness, or permit exploitation, or create an actual, apparent or potential conflict of interest.
- (10) "Psychological treatment" includes hypnosis used for therapeutic purposes other than smoking cessation or weight control.
- (11) "Telehealth" is defined under s. 440.01 (1) (hm), Stats.

Chapter Psy 2

REQUIREMENTS FOR EXAMINATION AND LICENSURE OF PSYCHOLOGISTS

Psy 2.01 Application procedure.

Psy 2.013 Reciprocity.

Psy 2.015 Application abandonment.

Psy 2.05 Passing scores.

Psy 2.09 Education and experience equivalent to a doctoral degree in psychology.

Psy 2.10 Supervised psychological experience.

Psy 2.14 Temporary practice.

Psy 2.14 Temporary practice.

- (1) In this section, "working days" is defined as any day in which the psychologist provides services.
- (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 the requirements for licensure as a psychologist in s. 455.04 (1), Stats., 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), Stats.
- (2m) A psychologist may exercise a compact temporary authorization to practice in this state or practice interjurisdictional telepsychology as established in ss. 455.03 (2) and (3).**
- (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 year.
- (4) 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.

Chapter Psy 5

CONDUCT

Psy 5.01 Professional conduct.

Psy 5.02 Telehealth.

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

- (1) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.
- (2) Gross negligence in the practice of psychology or private practice of school psychology.
- (2m) Engaging in conduct that falls below the standard of minimal competence within the practice of psychology or school psychology.
- (3) Misrepresentation of professional competency by offering to perform services that are unwarranted on the basis of education, training, or experience.
- (4) Performance of professional services inconsistent with training, education, or experience.
- (5) Conviction of a crime or violation of any law the circumstances of which substantially relate to the circumstances of the practice of psychology or private practice of school psychology.
- (6) Undertaking or continuing professional services after having been adjudged incompetent by a court of law.
- (7) Reporting distorted, erroneous, or misleading psychological information.
- (8) Engaging in false, fraudulent, exploitative, misleading, or deceptive billing practices.
- (9) Allowing professional judgment to be controlled by another.
- (10) Aiding or furthering discrimination on the basis of race, color, sex, creed, national origin, ancestry, handicap or sexual orientation by means of service given to a client.
- (11) Practicing or attempting to practice while the licensee has a physical or mental impairment, including impairment related to alcohol or other drugs, which is reasonably related to the licensee's ability to adequately undertake the practice of psychology in a manner consistent with the safety of client or public.
- (12) Revealing facts, data, information, records or communication received from a client in a professional capacity except in the following circumstances:
 - (a) With the informed consent of the client or the client's authorized representative.
 - (b) With prior notification to the client at the time the information was elicited of the use and distribution of the information.
 - (c) If necessary to prevent injury to the client or another person.
 - (d) Pursuant to the lawful order of a court of law.
 - (e) Use of case history material for teaching or research purpose, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.
 - (f) Where otherwise permitted or required under ss. 51.30 and 146.82, Stats.
 - (g) When required by federal or state law.
- (12m) Failing to have security protocols for access to facts, data, information, records, or communication received from a client in a professional capacity.

- (13)** Failure to obtain written, informed consent from the client or client's legal representative prior to the use of observation or electronic taping, recording or filming procedures.
- (14)** Engaging in sexual contact, sexual conduct, kissing, or any other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative, with any of the following:
 - (a)** A client.
 - (b)** A former client within 2 years of termination of professional services.
 - (c)** A former client beyond 2 years of termination of professional services, unless the licensee can demonstrate that there has been no exploitation of the former client, and that the former client is not vulnerable by reason of emotional or cognitive disorder to exploitive influence by the psychologist, in light of all relevant factors, including:
 - 1.** The length of time which had passed between the termination of professional services and the conduct.
 - 2.** The nature and duration of the professional services.
 - 3.** The circumstances of termination.
 - 4.** The client's personal history.
 - 5.** The client's mental status at the time the conduct took place.
 - 6.** The likelihood of adverse impact on the client or others.
 - 7.** Statements or actions made by the licensee during the course of professional services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.
 - (d)** A person to whom the licensee is providing teaching, supervisory or other instructional services.
- (14m)** Accepting as a client a person with whom the licensee has engaged in sexual contact or sexual conduct.
- (15)** Failure to provide clients a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.
- (16)** Failure to provide clients a description of possible effects of proposed treatment.
- (17)** Engaging in any prohibited dual relationship or any relationship which is reasonably likely to impair the licensee's objectivity in providing professional services.
- (19)** Employing or claiming to have available secret techniques or procedures that the licensee refuses to divulge.
- (20)** Engaging in experimental treatment or services without assuring objectivity through keeping adequate records and consulting with colleagues.
- (21)** In the conduct of research, failure to inform study participants of all features of the research that might reasonably be expected to influence willingness to participate; failure to ensure as soon as possible participants' understanding of the reasons and justification for methodological requirements of concealment or deception in the study; failure to protect participants from physical or mental discomfort, harm or danger, or to notify the participant of such danger; and failure to detect and remove any undesirable consequences to the participants resulting from research procedures.
- (22)** Failure to inform the client of financial interests which are not obvious and which might accrue to the licensee for referral to or for any use of service, product, or publication.
- (23)** Refusal upon request to advise the board of the nature of the specialties included within the licensee's practice.
- (24)** Failure to respond honestly and in a timely manner to a request for information by the board. Taking longer than 30 days to respond creates a rebuttable presumption that the response is not timely.
- (25)** Appropriation of the identity of another person holding a license issued by this or another board.
- (26)** Allowing another person to use one's license.
- (27)** Using fraud or deception in applying for a license.

- (28) Violation of ch. 455, Stats., or any rule promulgated by the board.
- (29) Failure to notify the board within 30 days of any disciplinary or adverse action taken by any other jurisdiction against a license, certificate, permit or registration granted for the practice of psychology or school psychology.
- (30) For licensees of the board who are employed by a public agency and who also offer their services privately:
 - (a) Failure to inform the client that the client is entitled to the same service from the public agency.
 - (b) Failure to inform the client that the licensee is an employee of that same public agency.
 - (c) Failure to avoid any prohibited dual relationship or any relationship which is reasonably likely to impair the licensee's objectivity in providing professional services.
- (31) Failure to notify clients when service will be interrupted or terminated.
- (32) Having a credential granted by another jurisdiction to practice psychology or school psychology denied, limited, suspended, surrendered, or revoked, or otherwise disciplined or adverse action taken, whether or not accompanied by findings of negligence or unprofessional conduct.
- (33) Failure to maintain adequate records relating to services provided to a client in the course of a professional relationship. Each patient record entry shall be dated, shall identify the treating psychologist, and shall be sufficiently legible to be understood and to allow interventions by other professionals. Unless records are subject to a different records retention policy by an entity with an obligation to maintain treatment records, a licensee shall retain treatment records for at least 7 years.
- (34) Violating any provision of an order of any board or jurisdiction that regulates the practice of psychology or school psychology.

Psy 5.02 Telehealth

- (1) The standards of practice and professional conduct under this chapter apply to a licensee regardless of whether health care service is provided in person or by telehealth.
- (2) A psychologist who uses a telehealth visit to provide psychological services to a patient located in this state shall be licensed by the board, hold a valid interjurisdictional practice certificate, or have a valid E.Passport issued by the Association of State and Provincial Psychology Boards (ASPPB).

STATEMENT OF SCOPE

Psychology Examining Board

Rule No.: Psy 5

Relating to: Telehealth

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the rule is to provide greater clarity for psychologists with regards to the practice of telehealth.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current rules are silent on telehealth. The proposed rule will include a definition of telehealth, specify psychologists are to hold a Wisconsin license in order to diagnose and treat patients located in Wisconsin, and psychologists are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [s. 15.08 (5) (b), Stats.]

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

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours.

6. List with description of all entities that may be affected by the proposed rule:

Psychologists practicing telehealth and their patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Daniel Asher

Authorized Signature

07.16.2020

Date Submitted

**Psychology Examining Board
Rule Projects (updated 4/15/2022)**

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.	Final rule draft and Legislative Report submitted to the Governor on 4/15/2022.	Once we receive the Governor's approval, we will submit the final rule draft to the Legislature.
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.	Legislative Report and final rule draft with modification based on WI Act 121 and WI Act 131 ready to be presented at the April meeting.	Final rule and Legislative Report will be submitted to the Governor once the revised draft is approved.