



**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
April 7, 2023**

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 February 22, 2023 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Appointment of Liaisons and Alternates **(6-7)**
 - 3) Board Members – Term Expiration Dates
 - a. Desmonde, Marcus P. – 7/1/2021
 - b. Greene, John N. – 7/1/2023
 - c. Jenkins, 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. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (8)**
 - 1) Adoption Order: CR 21-016, Psy 1, 2, and 5, Relating to Telehealth **(9-12)**
 - 2) Pending and Possible Rulemaking Projects **(13)**
- H. Association of State and Provincial Psychology Boards (ASPPB) Matters – Discussion and Consideration
- I. Speaking Engagements, Travel, or Public Relation Requests, and Reports**
 - 1) Update on ASPPB Mid-Year Meeting, Denver, CO – April 27-April 30, 2023

J. Education and Examination Matters – Discussion and Consideration

K. 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) Public Health Emergencies
- 11) Legislative and Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. **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.).

M. **DLSC Matters**

- 1) **Case Closings**
 - a. 22 PSY 018 – T.A.M. **(14-19)**

N. **Credentialing Matters**

- 1) **Application Reviews**
 - a. Jeffrey Gross – Predetermination Applicant **(20-124)**

O. 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

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT DATE: JUNE 28, 2023

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
FEBRUARY 22, 2023**

PRESENT: Marcus Desmonde, Psy.D.; Mark Jinkins; Daniel Schroeder, Ph.D.; Peter Sorce

EXCUSED: John Greene, Ph.D.; David Thompson, Ph.D.

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department Staff

CALL TO ORDER

Daniel Schroeder, Chairperson, called the meeting to order at 9:04 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 24, 2023

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to approve the Minutes of January 24, 2023 as published. Motion carried unanimously.

(Mark Jinkins excused at 9:11 a.m. due to audio issues)

(Mark Jinkins arrived at 9:13 a.m.)

ADMINISTRATIVE RULE MATTERS

Scope Statement: Psy 1 and 2, Relating to National Examination

MOTION: Mark Jinkins moved, seconded by Peter Sorce, to authorize the Chairperson approve the revised Scope Statement revising Psy 1 and 2, relating to national examination, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Biennial Report under s.227.29, Stats.

MOTION: Mark Jinkins moved, seconded by Peter Sorce, to authorize the Chairperson, or highest-ranking officer, or longest serving member of the

board, in order of succession, to review and approve the report required under Wis. Stat. 227.29 for submission in March 2023 to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 9:45 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 2/22/2023 <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: 4/26/2023	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"> • Appointment of Liaisons and Alternates 									
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: <p style="text-align: center;">The Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</p>											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Dialah Azam</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>2/22/2023</i></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (Only required for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				<i>Dialah Azam</i>	<i>2/22/2023</i>	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
<i>Dialah Azam</i>	<i>2/22/2023</i>										
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.											

PSYCHOLOGY EXAMINING BOARD
2023 Elections, Liaisons, and Delegations

Election of Officers

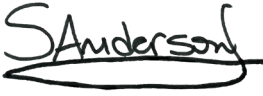
ELECTION RESULTS	
Chairperson	Daniel Schroeder
Vice Chairperson	Marcus Desmonde
Secretary	David Thompson

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, David Thompson
Continuing Education Liaison(s)	Marcus Desmonde <i>Alternates: John Greene</i>
Monitoring Liaison(s)	David Thompson <i>Alternates: Mark Jinkins</i>
Professional Assistance Procedure (PAP) Liaison(s)	Marcus Desmonde <i>Alternate: Mark Jinkins</i>
Legislative Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, Peter Sorce, David Thompson
Travel Authorization Liaison(s)	Daniel Schroeder <i>Alternate: Peter Source</i>
Screening Panel	Professional Members: John Greene, David Thompson Public Members (Rotation): Peter Sorce <i>(Jan./Apr./Jul./Sept./Dec.)</i> Mark Jinkins <i>(Feb./Jun./Aug./Nov.)</i>

**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: 3/27/2023 <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: April 7, 2023	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. Adoption Order: CR 21-016 Psy 1, 2, and 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. Adoption Order CR 21-016 Psy 1, 2, and 5 relating to telehealth. 2. 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;"> 3/27/2023 <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 30%;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 25%;">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 : ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-016)

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.”

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.

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 report:

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; 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 practice interjurisdictional telepsychology as established in s. 455.03 (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 either be licensed as a psychologist by the board, or shall meet the requirements to exercise the authority to practice interjurisdictional telepsychology under s. 455.50 (4).

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)

Dated _____

Agency _____

Chairperson
Psychology Examining Board

**Psychology Examining Board
Rule Projects (updated 03/27/2023)**

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 with 2019 Wisconsin Act 143.	Legislative Review	If there are no objections after jurisdiction ends, Board can adopt the rule
21-016	130-20	4/12/2023	Psy 1, 2, and 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.	Adoption Order ready to be presented at the April meeting	Submit Adoption Order for publication in the Register
	019-23	9/27/2025	Psy 1 to 6	Implementation of Psychology Licensure Compact. The objective of this rule is to implement the statutory changes from 2021 Wisconsin Act 131, which establishes Wisconsin as a member of the Psychology Interjurisdictional Compact or PSYPACT.	Scope published on March 27, 2023	Scope implementation after 10 days of publication
			Psy 1 and 2	National Examination. The Board will review chapters Psy 1 and 2 to potentially update the national examination requirement in light of ASPPB's decision to make the EPPP a two-part exam as of January 1 st , 2026.	Scope submitted to Governor on March 20, 2023	If Governor approves, scope will be submitted for publication