G. Administrative Rule Matters -Discussion and Consideration 1) Preliminary and Emergency Rule Draft: Psy 1, 2, and 4, Relating to Comprehensive Review

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 4822 Madison Yards Way, Madison, WI 53705, P.O. Box 8935 8366, Madison, WI 53708, telephone (608) 266-0070 2112, dsps@wi.gov.

- (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.
- (6g) "Interim psychologist" means a person licensed under s. 455.04 (2).
- **(6m)** "Jurisprudence exam" means the board approved examination on the elements of practice essential to the public health, safety, or welfare. state law related to the practice of psychology.

- (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.
- (9m) "Psychologist" means a person licensed under s. 455.04 (1) or (2), Stats.
- (10) "Psychological treatment" includes hypnosis used for therapeutic purposes other than smoking cessation or weight control.
- (11) "Practice of psychology" has the meaning under s. 445.01 (5), Stats.
- (12) "Psychotherapy" has the meaning under s. 455.01 (6), 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 2.018 American Board of Professional Psychology diploma.
- 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 2.01 Application procedure. An applicant for licensure as a psychologist shall submit all of the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- **(3)** Evidence of one of the following:
 - (a) Official transcript indicating a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located. program accredited by an organization approved by the examining board.
 - **(b)** Academic training or specialized experience which in the opinion of the board is that the examining board determines to be substantially equivalent to a doctoral degree in psychology on the basis of standards established in s. Psy 2.09.
 - (c) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists or other credential evaluation organization approved by the Board.
- **(4)** Documentation of at least one year experience in completion of psychological work meeting the requirements in s. Psy 2.10.
- **(5)** Evidence of passing the EPPP.
- **(6)** Evidence of passing the jurisprudence exam.
- (7) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

- **(8)** For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.
- **Psy 2.012** Interim Psychologist. (1) Subject to s. 455.09, the examining board shall grant an interim psychologist license to an individual who submits all of the following:
 - (a) A properly completed and signed application form.
 - **(b)** An application fee authorized by s. 440.05 (6), Stats.
 - **(c)** Evidence of one of the following:
 - **1.** An official transcript indicating a doctoral degree in psychology from a program accredited by an organization approved by the examining board.
 - **2.** Academic training that the examining board determines to be substantially equivalent to a doctoral degree in psychology on the basis of standards established in s. Psy 2.09.
 - (d) Completion of at least 1,500 hours of supervised experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
 - **(e)** For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.
 - (f) Evidence of passing score the jurisprudence exam.
- (2) An interim psychologist license issued under s. 455.04 (2), Stats., is valid for 2 years or until the individual obtains a psychologist license under s. 455.04 (1), Stats. An individual holding an interim psychologist license is not required to complete continuing education.
- **Psy 2.013** Reciprocity. An applicant who holds an active license in another state, territory, foreign country or province whose license standards are deemed by the <u>examining</u> board to be <u>substantially</u> equivalent to the standards in this state may apply for license by submitting the following:
- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of one of the following:
 - (a) Evidence of passing the EPPP.
 - (b) Evidence of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application.
- **(4)** Evidence of passing the jurisprudence exam.

- **(5)** For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.
- Psy 2.014 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice psychology shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.
- **Psy 2.015 Application abandonment.** An applicant who files an application but who does not comply with a request for information related to the application within one year of the date of the board's last request shall file a new application. An applicant who files an application but who does not fully complete the application within 3 years of the date of the application shall file a new application.
- Psy 2.018 American Board of Professional Psychology diploma. An applicant who holds a diploma of the American Board of Professional Psychology may apply for a license by submitting the following:
- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of passing the EPPP.
- (4) Evidence of passing the jurisprudence exam.

Psy 2.05 Passing scores.

- (1) The passing score on each examination is determined by the board to represent minimum competence.
- (2m) The board may adopt the recommended passing score of the examination provider for the EPPP.
- **(4)** The board shall make the determination of the passing score of the jurisprudence exam after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.
- Psy 2.09 Education and experience equivalent to a doctoral degree in psychology. The equivalent to a doctorate in psychology is a doctorate degree which meets all of the following requirements:
- (1) The curriculum shall contain all of the following content:
- (a) Scientific psychology, including all of the following:
 - **1.** Biological aspects of behavior.
 - 2. Cognitive and affective aspects of behavior.
 - 3. Social aspects of behavior.
 - **4.** History and systems of psychology.
 - **5.** Psychological measurement.
 - 6. Research methodology.
 - 7. Techniques of data analysis.

- **(b)** Scientific, methodical and theoretical foundations of practice in the substantive area of professional psychology in which the program has its training emphasis including all of the following:
 - 1. Individual differences in behavior.
 - **2.** Human development.
 - **3.** Dysfunctional behavior or psychopathology.
 - 4. Professional standards and ethics.
- (c) Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies including all of the following:
 - 1. Theories and methods of assessment and diagnosis.
 - **2.** Effective intervention.
 - 3. Consultation and supervision.
 - **4.** Evaluating the efficacy of interventions.
- (d) Issues of cultural diversity and individual differences.
- (e) Skills essential for lifelong learning, scholarly inquiry and professional problem-solving as psychologists in the context of an evolving body of scientific and professional knowledge.
- (2) The doctoral degree shall include any of the following: practicum, internship, field or laboratory training. This experience shall be supervised by a person with a doctoral degree in psychology.
- Psy 2.10 Supervised psychological experience. A one year experience in psychological work after a doctoral degree in psychology or its equivalent under conditions satisfactory to the examining board shall include all of the following: Except as provided in s. Psy 2.013, an applicant for licensure shall complete at least 3,000 hours of supervised graduate-level experience in the practice of psychology under conditions satisfactory to the examining board and shall include all of the following:
- (1) Completion of 2000 hours of the supervised psychological experience in no more than 24 months. Supervised hours shall consist of all of the following:
 - a. At least 1,500 hours of experience in a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
 - b. At least 1,500 hours of experience consisting of any combination of the following:
 - 1. Pre-internship hours that occur after the completion of the first year of the doctoral program or at any time while in a doctoral program after the completion of a master's degree in psychology or its equivalent.
 - 2. Hours accrued in the internship as described in subd. a. that are in excess of the 1,500 hours required under subd. a.
 - 3. <u>Post-internship hours accrued under the internship as described in subd. a., but before the conferral of the doctoral degree.</u>
 - 4. Postdoctoral hours obtained after the conferral of the doctoral degree.

- (2) Clients shall be informed that the psychological trainee is receiving supervision and that the client's case will be discussed in the context of required supervision. The trainee must inform potential clients in writing of his or her trainee status and lack of license.
- (3) A minimum of 25% of the experience required shall consist of face-to-face client contact.
- (4) A total of 65% of the experience required shall consist of the face-to-face client contact required under sub. (3) and direct service for the purpose of providing psychological service. For the purposes of this subsection, direct service means those activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation, and reviewing published works relating to the client's needs.
- (5) The primary supervisor shall be a licensed psychologist and shall have adequate training, knowledge, and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have post-licensure experience and shall have had training or experience in supervision of psychological work. Supervisors shall not be an immediate relative by blood or marriage.
- **(6)** The supervisor's responsibilities include all of the following:
 - (a) Permit a trainee to engage in only psychological practice the supervisor can competently perform.
 - **(b)** Have sufficient knowledge of the trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client.
 - (c) Monitor the progress of the work on a regular basis.
 - (d) Determine the adequacy of the trainee's preparation for the tasks to be performed.
 - (e) Provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weakness, shall be written and discussed with the trainee on at least a semi annual basis and shall be made available to the board upon request.
 - (f) Be available or make appropriate provision for emergency consultation and intervention.
 - (g) Be legally and ethically responsible for the professional activities of the trainee.
 - (h) Be able to interrupt or stop the trainee from practicing in given cases.
 - (i) To terminate the supervised relationship if necessary.

Psy 2.14 Temporary practice.

- **(1)** In this section, "working days" is defined as any day in which the psychologist provides services. (1) In this section, "day" means any part of a day during which psychological services are rendered.
- (2) A psychologist who is licensed by another state or territory of the United States or a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than than the requirements for licensure as a psychologist in s. 455.04 (1), Stats., may offer provide psychological services as a psychologist in this state for on not more than 60 working days in any calendar year without holding a license issued under s. 455.04 (1), Stats.
- (3) The psychologist shall report to the board the nature and extent of his or her practice in this state if it exceeds 20 working days within a <u>calendar</u> 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 4

REQUIREMENTS FOR RENEWAL AND CONTINUING EDUCATION

- Psy 4.01 Biennial renewal.
- Psy 4.015 Definitions.
- Psy 4.017 Late Renewal and reinstatement.
- Psy 4.025 Continuing education.
- Psy 4.035 Approved continuing education.
- Psy 4.04 Postponement, waiver, and exemptions.
- Psy 4.05 Record keeping and audits.

Psy 4.01 Biennial renewal. On or before September 30 of the odd-numbered year following issuance of the license, the licensee shall apply for renewal to the department and submit the fee specified in s. 440.08 (2) (a), Stats., and shall meet the continuing education requirements specified in s. Psy 4.025.

Psy 4.015 Definitions. In this chapter:

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

Psy 4.017 Late Renewal and reinstatement.

- (1) GENERAL. A person renewing an expired license may not reapply for a license using the initial application process.
- (2) RENEWAL WITHIN 5 YEARS. A person renewing the license within 5 years shall do all of the following:
 - (a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.
 - (b) Certify the completion of 30 hours of continuing education during the last biennium.

- (3) RENEWAL AFTER 5 YEARS. This subsection does not apply to license holders who have unmet disciplinary requirements. A person renewing the license after 5 years shall do all of the following:
 - (a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and the renewal late fee.
 - **(b)** Evidence of one of the following:
 - **1.** An active credential in good standing in another state.
 - **2.** Completion of 80 hours of approved continuing education, including 12 hours of ethics, risk management, or jurisprudence, within the preceding 2 years.
- (4) REINSTATEMENT. A person who has unmet disciplinary requirements and failed to renew the license within 5 years or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:
 - (a) Evidence of completion of the requirements in sub. (3) if the license has not been active within 5 years.
 - (b) Evidence of completion of the disciplinary requirements, if applicable.
 - (c) Evidence of rehabilitation or change in circumstances warranting reinstatement.
- (5) A revoked license may not be renewed. Except as provided in s. 440.12, Stats., an individual may, no sooner than one year after the date of revocation, apply for reinstatement of a license. The board may accept or reject an application for reinstatement.
- (6) INTERIM PSYCHOLOGIST LICENSE. The board may renew at its discretion an interim psychologist license upon a showing of hardship by the applicant.
 - (a) An applicant for a hardship renewal must demonstrate to the board that one of the following circumstances applies to the applicant:
 - 1. The sickness of the applicant or a member of the applicant's immediate family substantiated by a doctor's certificate.
 - 2. A death in the applicant's immediate family substantiated by proof of death.
 - 3. Temporary military service.
 - 4. Other good reason deemed acceptable by the board.
 - (b) If a hardship is established under par. (a), the board may request additional documentation from the applicant for its consideration in determining whether a renewal of the interim license is appropriate, including:

- 1. Attestation that the applicant has a qualified supervisor as provided by s. 455.04 (2), Stats.
- 2. Documentation of any relevant training, education, or supervised experience the applicant has completed since obtaining the interim psychologist license.
- 3. Any other relevant documentation requested by the board.
- (7) An applicant for renewal of a private practice school psychologist issued under s. 455.04 (4), 2019 Stats. and prior to June 1, 2021, shall include with the renewal application proof of completion of hours of continuing education required under s. Psy 4.025.

Psy 4.025 Continuing education.

- (1) Unless granted a postponement or waiver under s. Psy 4.04, every licensee except for those licensed under s. Psy 2.012 shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.
 - (a) A minimum of 6 hours of the required 40 continuing education hours shall be in ethics, risk management or jurisprudence.
 - **(b)** Continuing education hours completed in the topics of supervision or suicide prevention shall be calculated as 1.5 times the numbers of continuing education hours obtained.
- (2) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.
- (3) During the time between initial Wisconsin licensure and commencement of a full 2-year licensure period, licensees shall not be required to meet continuing education requirements.
- (4) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application. An applicant who first obtained licensure as a psychologist or private practice school psychologist less than 2 years prior to submitting the Wisconsin application is not required to meet this subsection.

Psy 4.035 Approved continuing education.

- (1) The board shall approve all of the following programs and courses, if relevant to the professional practice of psychology:
 - (a) Continuing education programs and courses sponsored by an organization approved by one of the following:
 - 1. American Psychological Association.

- 2. National Association of School Psychologists.
- 3. Canadian Psychological Association.
- (b) Continuing education programs and courses sponsored by one of the following:
 - 1. Wisconsin Psychological Association.
 - 2. Wisconsin School Psychologists Association.
- (c) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American Medical Association or the American Osteopathic Association.
- (d) Continuing education courses approved by the psychology licensing board in another state where the psychologist is also licensed.
- (e) Graduate level courses of two semester or three quarter credits, or more, relevant to the professional practice of psychology offered by a regionally accredited college or university in which a person receives a passing grade shall be granted 20 continuing education hours.
- (2) No more than eight hours of continuing education hours may be credited per day for courses and programs in sub. (1) (a) through (d).
- (3) Continuing education hours shall be granted for teaching or presenting any of the programs or courses in sub. (1) but no credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter shall receive 2 continuing education hours for each hour of presentation with a maximum of 20 continuing education hours per biennium.
- **(4)** Continuing education hours shall be granted for professional activity consisting of 1 year of service with a minimum of 6 total contact hours. A licensee shall receive 6 hours of continuing education for each professional activity, with a maximum of 12 continuing education hours per biennium.
- **(5)** Continuing education hours shall be granted for serving as a reviewer for a peer reviewed publication. A licensee shall receive 3 hours per publication, with a maximum of 12 continuing education hours per biennium.
- **(6)** Continuing education hours shall be granted for first or second authorship of a publication relevant to psychology if the publication is contained in an academic or professional book or book chapter or peer-reviewed journal article. A licensee shall receive 10 continuing education hours per authorship, with a maximum of 20 continuing education hours per biennium.
- (7) Continuing education hours shall be granted for earning board certification by the American Board of Professional Psychology. A licensee who successfully completes board certification shall receive 40 continuing education hours. The ethics, risk management, or jurisprudence requirement may not be met unless the board certification process included at least six hours on those topics.
- (8) Continuing education hours shall be granted for completion of a master's or doctoral degree in psychopharmacology from a regionally accredited college or university. Licensees who complete a master's or doctoral degree in psychopharmacology shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the coursework included those topics.

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

(10)

- (a) Continuing education hours shall be granted for the evaluation of a community mental health program, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours in training required by the department of health services, are equal to one continuing education hour for the purposes of this section.
- (b) A licensee wishing to apply for continuing education credit under this subsection shall register in advance with the board, and shall notify the board on a form provided by the board of the dates and the total number of hours in any biennium for which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order applicants are received.

Psy 4.04 Postponement, waiver, and exemptions.

- (1) A licensee may apply to the board for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver, or total waiver as deemed appropriate.
- **(2)** The board may grant an exemption from the requirements of this chapter to a licensee who certifies to the board that the licensee has permanently retired from the practice of psychology or the private practice of school psychology.
- (3) A licensee who has been granted an exemption from the requirements of this chapter based on retirement from the practice of psychology or the private practice of school psychology may not return to active practice without submitting evidence satisfactory to the board of having completed 40 credits of continuing education hours obtained within 2 years prior to the return to the practice of psychology.

Psy 4.05 Record keeping and audits.

- (1) A licensee shall retain for a minimum period of 6 years and shall make available to the board or its agent upon request all the following proof of continuing education that applies to the licensee:
 - (a) Certificate of attendance issued by the program sponsor. The certificate shall include the name of the licensee, date of attendance, sponsor name, hours and title of course.
 - (b) Unofficial transcript for graduate level courses or psychopharmacology degree.
 - (c) Documentation of publication.
 - (d) Verification from the organization, on organization letterhead, documenting professional activities including the dates of service.
 - (e) Documentation of board certification from the American Board of Professional Psychology.

- **(f)** Documentation verifying the dates and number of hours of voluntary, uncompensated services provided in assisting the department of health services using a form provided by the department of safety and professional services.
- (g) Attestation form, provided by the department of safety and professional services, documenting supervision including the dates of supervision and total number of hours per day.
- **(2)** The board may conduct an audit for compliance with continuing education requirements on any licensee who has a complaint made against the licensee.