



**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
January 24, 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 November 9, 2022 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) 2023 Meeting Dates **(6)**
 - 3) Annual Policy Review **(7-10)**
 - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(11-19)**
 - 5) 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. Legislative and Policy Matters – Discussion and Consideration (20)**
 - 1) 2021 Wisconsin Act 131
- G. Administrative Rule Matters – Discussion and Consideration (21)**
 - 1) Scope Statement: Psy 1 to 5 or Psy 6 Relating to Implementation of Psychology Licensure Compact **(22-39)**
 - 2) Discussion on Possible Rule Project Relating to Part 2 of Examination for Professional Practice in Psychology (EPPP) Exam **(40-66)**

3) Pending or Possible Rulemaking Projects **(67)**

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

I. Speaking Engagements, Travel, or Public Relation Requests, and Reports (68)

- 1) ASPPB Mid-Year Meeting, Denver, CO – April 27-April 30, 2023

J. Education and Examination Matters – Discussion and Consideration (69)

- 1) Wisconsin Jurisprudence Examination

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. 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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT DATE: JANUARY 11, 2023 (TENTATIVE)

 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
NOVEMBER 9, 2022**

PRESENT: John Greene, Ph.D.; Mark Jenkins; Daniel Schroeder, Ph.D.; David Thompson, Ph.D.

EXCUSED: Marcus Desmonde, Psy.D.; Peter Sorce

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Daniel Schroeder, Chairperson, called the meeting to order at 10:17 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF SEPTEMBER 28, 2022

MOTION: Mark Jenkins moved, seconded by John Greene, to approve the Minutes of September 28, 2022 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Update on Status of the Examination for Professional Practice in Psychology (EPPP)

MOTION: David Thompson moved, seconded by John Greene, to ask the department to open a scope statement revising PSY 1 and 2 as related to the Examination for Professional Practice in Psychology (EPPP). Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jenkins moved seconded by David Thompson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Daniel Schroeder, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote.

Roll Call Vote: John Greene-yes; Mark Jenkins-yes; Daniel Schroeder-yes; and David Thompson-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:04 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Case Closings

22 PSY 024– C.L.T., Psy. D.

MOTION: David Thompson moved, seconded by John Greene, to close DLSC Case Number 22 PSY 024, against C.L.T., for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:08 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

The meeting adjourned at 11:10 a.m.

**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: 1/12/2023 <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: 1/24/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review and potentially make a motion to approve the follow 2023 meeting dates: a. Tuesday January 24, 2023 – Virtual b. Wednesday February 22, 2023 – In-Person c. Wednesday April 26, 2023 – Virtual d. Wednesday June 28, 2023 – Virtual e. Wednesday October 4, 2023 – Virtual f. Wednesday November 8, 2023 – In-Person			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 5px;"><i>Dialah Azam</i></div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">1/12/2023</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 5px;">Signature of person making this request</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 5px;">Supervisor (Only required for post agenda deadline items)</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 5px;">Executive Director signature (Indicates approval for post agenda deadline items)</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Date</div> </div>			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/14/2022 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: All Boards			
4) Meeting Date: First Meeting of 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely. 			
11) Authorization			
Katlin Schwartz		12/14/2022	
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: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Timeline of a Meeting

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

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

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

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

Agenda Item Examples:

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

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

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

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

Department of Safety and Professional Services

PER DIEM REPORT

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

Purpose Codes:

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

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

EMPL ID: 100012345-0

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

Travel Voucher

Staple Receipts Face Up On Backside

For Agency Use Only

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

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

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

*Item billed directly to the state agency

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

Claimant's Statement § 16.53 Wisconsin Statutes

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

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

Date _____ Claimant's Signature _____

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

Agency Head or Authorized Representative _____

Date _____ Supervisor's Signature _____

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

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 1/12/2023 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: 1/24/2023	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"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ol style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations c. Pre-Screening Delegations 			
11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Dialah Azam</i> 1/12/2023 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (Only required for post agenda deadline items) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (Indicates approval for post agenda deadline items) Date </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

PSYCHOLOGY EXAMINING BOARD

2022 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)	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: Peter Sorce</i>
Screening Panel	John Greene, David Thompson, Peter Sorce, Mark Jinkins (Updated 7/13/22) 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>

PSYPACT Commission Representative & Delegation 2/23/2022

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.

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 Jinkins 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 Monitoring *(Updated 2/23/2022)*

MOTION: Mark Jenkins 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.

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.

Roles and Authorities Delegated for Monitoring

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

Authorities Delegated to the Monitoring Liaison

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

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

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

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

Authorities Delegated to the Department Monitor

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

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

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


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

Updated 12/13/2021

2022 Roles & Authorities

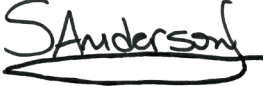
**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 1/24/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>
10) Describe the issue and action that should be addressed: 1) 2021 Wisconsin Act 131 https://docs.legis.wisconsin.gov/2021/related/acts/131			
11) Authorization			
		12/14/2023	
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.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 12/14/2022 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: January 11, 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: <ol style="list-style-type: none"> 1. Scope Statement: Psy 1 to 5 or Psy 6 relating to Implementation of Psychology Licensure Compact 2. Discussion on possible rule project relating to part 2 of EPPP exam. 3. Pending and possible rulemaking projects 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: <ol style="list-style-type: none"> 1. Scope Statement; Psy 1 to 5 or Psy 6 relating to Implementation of Psychology Licensure Compact. 2. 2021 WI Act 131 3. EPPP Part 1 and 2 Overview 4. Chapter Psy 2 5. Chapter 455 Statutes 6. Rule projects chart. 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 12/14/2022 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the 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. 			

STATEMENT OF SCOPE

PSYCHOLOGY EXAMINING BOARD

Rule No.: Psy 1 to 5 or Psy 6

Relating to: Implementation of the Psychology Licensure Compact

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 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.

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 Board intends to update the Administrative Code Chapters Psy 1 to 5, or to create Psy 6, to bring them into alignment with 2021 Wisconsin Act 131, which establishes Wisconsin as a member of the Psychology Interjurisdictional Compact or PSYPACT. An alternative would be to not revise the code to reflect these new requirements, which would create confusion and a lack of clarity for stakeholders as to what is required of psychologists and the board as it relates to the new statutory requirements.

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

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall 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.”

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

Approximately 120 hours

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

Wisconsin licensed psychologists and applicants for licensure as a psychologist.

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):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Sofia Anderson, (608) 261-4463, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

State of Wisconsin



2021 Assembly Bill 537

Date of enactment: **February 4, 2022**

Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 131

AN ACT *to repeal* 971.16 (1); *to renumber and amend* 455.03; *to amend* 16.417 (1) (e) 4., 48.375 (2) (c), 48.375 (4) (b) 1m., 49.45 (30f), 49.45 (30j) (a) 1., 50.06 (4), 51.03 (6) (a), 51.15 (2) (c), 146.34 (1) (i), 146.81 (1) (h), 146.997 (1) (d) 10., 155.01 (1g) (a), 155.01 (7), 165.77 (1) (a), 244.09 (3) (a), 252.14 (1) (ar) 6., 440.03 (13) (b) (intro.), 440.03 (13) (c), 440.15, 446.01 (1v) (L), 450.10 (3) (a) 9., chapter 455 (title), 455.01 (intro.), 455.02 (2m) (intro.), 455.02 (2m) (f), 455.02 (2m) (p), 455.03 (title), 455.06 (1) (a) and (2), 455.09 (1) (intro.), 455.09 (1) (c), 455.09 (1) (d), 455.09 (1) (g), 455.09 (3), 455.11, 457.02 (3), 632.89 (1) (e) 3., 905.04 (1) (e), 939.615 (6) (e) and 971.17 (7) (c); *to repeal and recreate* 302.384 (1m); and *to create* 14.89, 440.03 (11m) (c) 2s., subchapter I (title) of chapter 455 [precedes 455.01], 455.01 (1), 455.01 (2m), 455.01 (3r), 455.01 (9), 455.03 (2), 455.03 (3), subchapter II of chapter 455 [precedes 455.50], 455.51 and 990.01 (31m) of the statutes; **relating to:** ratification of the Psychology Interjurisdictional Compact.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.89 of the statutes is created to read:

14.89 Psychology interjurisdictional compact.

There is created a psychology interjurisdictional compact commission as specified in s. 455.50. The representative on the commission representing this state shall be appointed by the psychology examining board as provided in s. 455.50 (10) (b) 1. and shall be an individual described in s. 455.50 (10) (b) 1. a., b., or c. The commission has the powers and duties granted and imposed under s. 455.50.

SECTION 2. 16.417 (1) (e) 4. of the statutes is amended to read:

16.417 (1) (e) 4. A psychologist who is licensed to practice psychology under subch. I of ch. 455.

SECTION 3. 48.375 (2) (c) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

48.375 (2) (c) "Counselor" means a physician including a physician specializing in psychiatry, a psychologist licensed under s. 455.04 (1) or (2), or an ordained member of the clergy. "Counselor" does not include any person who is employed by or otherwise affiliated with a reproductive health care facility, a family planning clinic, or a family planning agency; any person affiliated with the performance of abortions, except abortions performed to save the life of the mother; or any person who may profit from giving advice to seek an abortion.

SECTION 4. 48.375 (4) (b) 1m. of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

48.375 (4) (b) 1m. A physician who specializes in psychiatry or a psychologist licensed under s. 455.04 (1) or (2) states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the facts of the case before him or her, that the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents, if the minor has been placed in a foster home and the minor's parent has signed a waiver granting the department, a county department, or the foster parent the authority to consent to medical services or treatment on behalf of the minor, for consent.

SECTION 5. 49.45 (30f) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The department shall include licensed mental health professionals, as defined in s. 632.89 (1) (dm), and psychologists ~~licensed under s. 455.04 (1) or (2)~~ as providers of psychotherapy and of alcohol and other drug abuse services. Except for services provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse services to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient. This subsection does not affect the department's powers under ch. 50 or 51 to establish requirements for facilities that are licensed, certified, or operated by the department.

SECTION 6. 49.45 (30j) (a) 1. of the statutes is amended to read:

49.45 (30j) (a) 1. "Competent mental health professional" means a physician who has completed a residence in psychiatry; a psychologist ~~or~~; a private practice school psychologist licensed under ch. 455; a marriage and family therapist licensed under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an advanced practice social worker granted a certificate under s. 457.08 (2); an independent social worker granted a certificate under s. 457.08 (3); a clinical social worker licensed under s. 457.08 (4); a clinical substance abuse counselor or independent clinical supervisor certified under s. 440.88, or any of these individuals practicing under a currently valid training or temporary license or certificate granted under applicable provisions of ch. 457. "Competent mental health professional" does not include an individual whose license or certificate is suspended, revoked, or voluntarily surrendered, or whose license or certificate is limited or restricted, when practicing in areas prohibited by the limitation or restriction.

SECTION 7. 50.06 (4) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

50.06 (4) A determination that an individual is incapacitated for purposes of sub. (2) shall be made by 2

physicians, as defined in s. 448.01 (5), or by one physician and one psychologist ~~licensed under s. 455.04 (1) or (2)~~, who personally examine the individual and sign a statement specifying that the individual is incapacitated. Mere old age, eccentricity, or physical disability, either singly or together, are insufficient to make a finding that an individual is incapacitated. Neither of the individuals who make a finding that an individual is incapacitated may be a relative, as defined in s. 242.01 (11), of the individual or have knowledge that he or she is entitled to or has a claim on any portion of the individual's estate. A copy of the statement shall be included in the individual's records in the facility to which he or she is admitted.

SECTION 8. 51.03 (6) (a) of the statutes is amended to read:

51.03 (6) (a) In this subsection, "licensed treatment professional" means a physician who has completed a residence in psychiatry; a psychologist ~~or~~; a private practice school psychologist licensed under ch. 455; a marriage and family therapist licensed under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an advanced practice social worker granted a certificate under s. 457.08 (2); an independent social worker licensed under s. 457.08 (3); a clinical social worker licensed under s. 457.08 (4); or any of these individuals practicing under a currently valid training or temporary license or certificate granted under applicable provisions of ch. 457. "Licensed treatment professional" does not include an individual whose license or certificate is suspended, revoked, or voluntarily surrendered, or whose license or certificate is limited or restricted, when practicing in areas prohibited by the limitation or restriction.

SECTION 9. 51.15 (2) (c) of the statutes is amended to read:

51.15 (2) (c) The county department may approve the detention only if a physician who has completed a residency in psychiatry, a psychologist ~~licensed under ch. 455~~, or a mental health professional, as determined by the department, has performed a crisis assessment on the individual and agrees with the need for detention and the county department reasonably believes the individual will not voluntarily consent to evaluation, diagnosis, and treatment necessary to stabilize the individual and remove the substantial probability of physical harm, impairment, or injury to himself, herself, or others. For purposes of this paragraph, a crisis assessment may be conducted in person, by telephone, or by telemedicine or video conferencing technology.

SECTION 10. 146.34 (1) (i) of the statutes is amended to read:

146.34 (1) (i) "Psychologist" means a person who is licensed to practice psychology under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practic-

ing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 11. 146.81 (1) (h) of the statutes is amended to read:

146.81 (1) (h) A psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 12. 146.997 (1) (d) 10. of the statutes is amended to read:

146.997 (1) (d) 10. A psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 13. 155.01 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

155.01 (1g) (a) A psychologist ~~licensed under s. 455.04 (1) or (2).~~

SECTION 14. 155.01 (7) of the statutes is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who holds a compact privilege under subch. IX of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 15. 165.77 (1) (a) of the statutes is amended to read:

165.77 (1) (a) "Health care professional" means a person licensed, certified, or registered under ch. 441, 448, or 455 or a person who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 16. 244.09 (3) (a) of the statutes is amended to read:

244.09 (3) (a) A physician licensed under ch. 448 or a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), that the principal is incapacitated within the meaning of s. 244.02 (7) (a).

SECTION 17. 252.14 (1) (ar) 6. of the statutes is amended to read:

252.14 (1) (ar) 6. A psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 18. 302.384 (1m) of the statutes is repealed and recreated to read:

302.384 (1m) In this section, "health care professional" means a person licensed, certified, or registered under ch. 441, 448, or 455; a person who holds a compact privilege under subch. X of ch. 448; or a psychologist who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 19. 440.03 (11m) (c) 2s. of the statutes is created to read:

440.03 (11m) (c) 2s. The coordinated licensure information system under s. 455.50 (9), if such disclosure is required under the psychology interjurisdictional compact under s. 455.50.

SECTION 20. 440.03 (13) (b) (intro.) of the statutes is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., ~~and~~ 448.985 (3) (a) 4., and 455.50 (3) (e) 4. and (f) 4.:

SECTION 21. 440.03 (13) (c) of the statutes is amended to read:

440.03 (13) (c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), an applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), an applicant for a compact license under s. 448.05 (2) (f), an applicant for a physical therapist license under s. 448.53 or physical therapist assistant license under s. 448.535, an

applicant for a psychologist license under s. 455.04, and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants for a real estate appraiser certification under s. 458.06 or license under s. 458.08, of all applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact license under s. 448.05 (2) (f), and of all applicants for a physical therapist license under s. 448.53 or a physical therapist assistant license under s. 448.535, and of all applicants for a psychologist license under s. 455.04, to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions. Information obtained from the federal bureau of investigation may be shared with the department or the appropriate credentialing board, but shall otherwise be kept confidential and is not subject to disclosure under s. 19.35.

SECTION 22. 440.15 of the statutes, as affected by 2021 Wisconsin Act 25, is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 450.071 (3) (c) 9., and 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and (f) 4., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 23. 446.01 (1v) (L) of the statutes is amended to read:

446.01 (1v) (L) Psychology examining board under ch. 455. "Health care professional" also includes an individual who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state or practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 24. 450.10 (3) (a) 9. of the statutes is amended to read:

450.10 (3) (a) 9. A psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

SECTION 25. Chapter 455 (title) of the statutes is amended to read:

CHAPTER 455

PSYCHOLOGY EXAMINING BOARD

SECTION 26. Subchapter I (title) of chapter 455 [precedes 455.01] of the statutes is created to read:

CHAPTER 455

SUBCHAPTER I

REGULATION OF PSYCHOLOGY

SECTION 27. 455.01 (intro.) of the statutes is amended to read:

455.01 Definitions. (intro.) In this ~~chapter~~ subchapter:

SECTION 28. 455.01 (1) of the statutes is created to read:

455.01 (1) "Authority to practice interjurisdictional telepsychology" has the meaning given in s. 455.50 (2) (b).

SECTION 29. 455.01 (2m) of the statutes is created to read:

455.01 (2m) "E.Passport" has the meaning given in s. 455.50 (2) (g).

SECTION 30. 455.01 (3r) of the statutes is created to read:

455.01 (3r) "Interjurisdictional practice certificate" has the meaning given in s. 455.50 (2) (im).

SECTION 31. 455.01 (9) of the statutes is created to read:

455.01 (9) "Temporary authorization to practice" has the meaning given in s. 455.50 (2) (o).

SECTION 32. 455.02 (2m) (intro.) of the statutes is amended to read:

455.02 (2m) EXCEPTIONS. (intro.) A license under this ~~chapter~~ subchapter is not required for any of the following:

SECTION 33. 455.02 (2m) (f) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

455.02 (2m) (f) A person providing psychological services as part of a psychology training program, if his or her activities and services constitute a part of the supervised course of study and are performed under the supervision of a psychologist licensed under this ~~chapter~~ subchapter and the person does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she may receive for the performance of the official duties with the employing agency or organization. A person providing services under this paragraph may use the title "psychology student," "psychology intern," or "psychology resident."

SECTION 34. 455.02 (2m) (p) of the statutes, as created by 2021 Wisconsin Act 22, is amended to read:

455.02 (2m) (p) A person providing psychological services under the supervision of a psychologist licensed under this ~~chapter~~ subchapter as part of a formal psychology fellowship program that meets the program standards of an organization as determined by the examining board. A person providing services under this paragraph may use the title "psychology fellow."

SECTION 35. 455.03 (title) of the statutes is amended to read:

455.03 (title) Temporary practice; telepsychology.

SECTION 36. 455.03 of the statutes, as affected by 2021 Wisconsin Act 22, is renumbered 455.03 (1) (b) and amended to read:

455.03 (1) (b) A psychologist who is licensed or certified by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may provide psychological services in this state on not more than 60 days in any year without holding a license issued under s. 455.04 (1). The psychologist shall report to the examining board the nature and extent of his or her practice in this state if it exceeds 20 days within a year.

(a) In this section subsection, “day” means any part of a day during which psychological services are rendered.

SECTION 37. 455.03 (2) of the statutes is created to read:

455.03 (2) An individual who holds a valid interjurisdictional practice certificate may exercise the temporary authorization to practice in this state, subject to ss. 455.50 (5) and 455.51 (2) (a) 1. and (b) 1.

SECTION 38. 455.03 (3) of the statutes is created to read:

455.03 (3) An individual who holds a valid E.Passport may practice under the authority to practice interjurisdictional telepsychology as provided in and subject to ss. 455.50 (4) and (6) and 455.51 (2) (a) 2. and (b) 2.

SECTION 39. 455.06 (1) (a) and (2) of the statutes, as affected by 2021 Wisconsin Act 22, are amended to read:

455.06 (1) (a) Except as provided in par. (b), the renewal dates for licenses issued under this ~~chapter subchapter~~ or under s. 455.04 (4), 2019 stats., are specified under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

(2) An applicant for renewal of a license issued under this ~~chapter subchapter~~ or under s. 455.04 (4), 2019 stats., shall include with his or her application proof in the form specified by the examining board that he or she has completed the hours of continuing education required under s. 455.065.

SECTION 40. 455.09 (1) (intro.) of the statutes is amended to read:

455.09 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may deny an application for a license, or may by order suspend for a period not exceeding one year, limit, revoke or impose probationary conditions upon a license, authority to practice interjurisdictional telepsychology, or temporary authorization to practice or reprimand a licensee or a holder of authority to practice interjurisdictional telepsychology or temporary authorization to practice if the applicant ~~or~~ licensee, or holder does any of the following:

SECTION 41. 455.09 (1) (c) of the statutes is amended to read:

455.09 (1) (c) Impersonates another person holding a license under this ~~chapter subchapter~~ or allows another person to use his or her license, E.Passport, interjurisdictional practice certificate, authority to practice interjurisdictional telepsychology, or temporary authorization to practice.

SECTION 42. 455.09 (1) (d) of the statutes is amended to read:

455.09 (1) (d) Uses fraud or deception in applying for a license under this ~~chapter subchapter~~, an E.Passport, or an interjurisdictional practice certificate.

SECTION 43. 455.09 (1) (g) of the statutes is amended to read:

455.09 (1) (g) Violates this ~~chapter subchapter~~ or any rule of professional conduct promulgated under this ~~chapter subchapter~~.

SECTION 44. 455.09 (3) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

455.09 (3) A revoked license may not be renewed. An individual may, no sooner than one year after the date of revocation, apply for reinstatement of a license under this ~~chapter subchapter~~. The examining board may accept or reject an application for reinstatement. If reinstatement is granted under this subsection, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee. This subsection does not apply to a license that is revoked under s. 440.12.

SECTION 45. 455.11 of the statutes is amended to read:

455.11 Penalty. Any person who violates this ~~chapter subchapter~~ may be fined not more than \$200 or imprisoned not exceeding 6 months or both.

SECTION 46. Subchapter II of chapter 455 [precedes 455.50] of the statutes is created to read:

CHAPTER 455

SUBCHAPTER II

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

455.50 Psychology interjurisdictional compact.

(1) ARTICLE I — PURPOSE.

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psy-

chological practice as assigned by an appropriate authority;

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

Whereas, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this compact does not apply when a psychologist is licensed in both the home and receiving states; and

Whereas, this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

(a) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(b) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(c) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(d) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(e) Promote compliance with the laws governing psychological practice in each compact state; and

(f) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

(2) ARTICLE II — DEFINITIONS. (a) "Adverse action" means: Any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(am) "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(b) "Authority to practice interjurisdictional telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

(bm) "Bylaws" means: those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to sub. (10) for its governance, or for directing and controlling its actions and conduct.

(c) "Client/patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

(cm) "Commissioner" means: the voting representative appointed by each state psychology regulatory authority pursuant to sub. (10).

(d) "Compact state" means: a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to sub. (13) (c) or been terminated pursuant to sub. (12) (b).

(dm) "Coordinated licensure information system" also referred to as "coordinated database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(e) "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

(em) "Day" means: any part of a day in which psychological work is performed.

(f) "Distant state" means: the compact state where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

(g) "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(gm) "Executive board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(h) "Home state" means: a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

(hm) "Identity history summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

(i) "In-person, face-to-face" means: interactions in which the psychologist and the client/patient are in the

same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

(im) “Interjurisdictional practice certificate (IPC)” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one’s qualifications for such practice.

(j) “License” means: authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(jm) “Non-compact state” means: any state which is not at the time a compact state.

(k) “Psychologist” means: an individual licensed for the independent practice of psychology.

(km) “Psychology interjurisdictional compact commission” also referred to as “commission” means: the national administration of which all compact states are members.

(L) “Receiving state” means: a compact state where the client/patient is physically located when the telepsychological services are delivered.

(Lm) “Rule” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to sub. (11) that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule.

(m) “Significant investigatory information” means:

1. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

(mm) “State” means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.

(n) “State psychology regulatory authority” means: the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

(nm) “Telepsychology” means: the provision of psychological services using telecommunication technologies.

(o) “Temporary authorization to practice” means: a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

(om) “Temporary in-person, face-to-face practice” means: where a psychologist is physically present (not through the use of telecommunications technologies), in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

(3) ARTICLE III — HOME STATE LICENSURE. (a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(e) A home state’s license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

1. Currently requires the psychologist to hold an active E.Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation (FBI), or other designee with similar authority, no later than ten years after activation of the compact; and

5. Complies with the bylaws and rules of the commission.

(f) A home state’s license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation (FBI), or other designee with similar authority, no later than ten years after activation of the compact; and

5. Complies with the bylaws and rules of the commission.

(4) ARTICLE IV — COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY. (a) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with sub. (3), to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(b) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by provincial statute or royal charter to grant doctoral degrees; OR

b. A foreign college or university deemed to be equivalent to subd. 1. a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

j. The program includes an acceptable residency as defined by the rules of the commission.

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. Have no history of adverse action that violate the rules of the commission;

5. Have no criminal record history reported on an identity history summary that violates the rules of the commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

(c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

(5) ARTICLE V — COMPACT TEMPORARY AUTHORIZATION TO PRACTICE. (a) Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with sub. (3), to practice temporarily in other compact states (distant states) in which the psychologist is not licensed, as provided in the compact.

(b) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. department of education to grant graduate degrees, OR authorized by provincial statute or royal charter to grant doctoral degrees; OR

b. A foreign college or university deemed to be equivalent to subd. 1. a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

j. The program includes an acceptable residency as defined by the rules of the commission.

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. No history of adverse action that violate the rules of the commission;

5. No criminal record history that violates the rules of the commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

(c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(d) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

(6) ARTICLE VI — CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(a) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(b) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

(7) ARTICLE VII — ADVERSE ACTIONS. (a) A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on

an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

1. All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

3. Other actions may be imposed as determined by the rules promulgated by the commission.

(d) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

(e) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to par. (c).

(8) ARTICLE VIII — ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(a) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(b) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

(c) During the course of any investigation, a psychologist may not change his/her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

(9) ARTICLE IX — COORDINATED LICENSURE INFORMATION SYSTEM. (a) The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;

6. Non-confidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

(10) ARTICLE X — ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION. (a) The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The commission is a body politic and an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) *Membership, voting, and meetings.* 1. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state’s commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

a. Executive director, executive secretary or similar executive;

b. Current member of the state psychology regulatory authority of a compact state; OR

c. Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

2. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each commissioner shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to partic-

ipate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners’ participation in meetings by telephone or other means of communication.

4. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in sub. (6).

6. The commission may convene in a closed, non-public meeting if the commission must discuss:

a. Non-compliance of a compact state with its obligations under the compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission’s internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the commission;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the commissioners, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry

out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the commission;
3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
7. Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;
8. The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;
9. The commission shall maintain its financial records in accordance with the bylaws; and
10. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
 - (d) The commission shall have the following powers:
 1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;
 2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licen-

sure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;
4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;
5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
9. To establish a budget and make expenditures;
10. To borrow money;
11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
12. To provide and receive information from, and to cooperate with, law enforcement agencies;
13. To adopt and use an official seal; and
14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.
 - (e) The executive board:
 1. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.
 - 1m. The executive board shall be comprised of six members:
 - a. Five voting members who are elected from the current membership of the commission by the commission;
 - b. One ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
 2. The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

3. The commission may remove any member of the executive board as provided in bylaws.

4. The executive board shall meet at least annually.

5. The executive board shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the commission;

e. Monitor compact compliance of member states and provide compliance reports to the commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

(f) *Financing of the commission.* 1. The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(g) *Qualified immunity, defense, and indemnification.* 1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error

or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(11) ARTICLE XI — RULEMAKING. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and

2. On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly appointed person in an association that has having at least twenty-five (25) members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this paragraph shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this paragraph.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this paragraph shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of commission or compact state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(12) ARTICLE XII — OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. (a) *Oversight.* 1. The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) *Default, technical assistance, and termination.*

1. If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state’s legislature, and each of the compact states.

4. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(c) *Dispute resolution.* 1. Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) *Enforcement.* 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(13) ARTICLE XIII — DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS. (a) The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state which joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same.

1. A compact state’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state’s psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state which does not conflict with the provisions of this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

(14) ARTICLE XIV — CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

SECTION 47. 455.51 of the statutes is created to read:
455.51 Implementation of the psychology interjurisdictional compact. (1) In this section:

(a) “Authority to practice interjurisdictional telepsychology” has the meaning given in s. 455.50 (2) (b).

(b) “Temporary authorization to practice” has the meaning given in s. 455.50 (2) (o).

(2) (a) 1. An individual who is exercising the temporary authorization to practice in this state shall comply with s. 440.03 (13) (am).

2. An individual who is practicing under the authority to practice interjurisdictional telepsychology shall comply with s. 440.03 (13) (am).

(b) 1. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising the temporary authorization to practice in this state in the same manner that they apply to holders of licenses issued under subch. I.

2. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is practicing under the authority to practice interjurisdictional telepsychology in the same manner that they apply to holders of licenses issued under subch. I.

SECTION 48. 457.02 (3) of the statutes is amended to read:

457.02 (3) Require a person who is licensed as a psychologist under ch. 455 or who is a psychiatrist to be licensed under this chapter in order to use the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor” if the psychologist or psychiatrist does not use the term “licensed,” “certified,” or “registered” or any similar term in connection with the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor.”

SECTION 49. 632.89 (1) (e) 3. of the statutes is amended to read:

632.89 (1) (e) 3. A psychologist licensed under ch. 455.

SECTION 50. 905.04 (1) (e) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

905.04 (1) (e) “Psychologist” means a psychologist licensed under s. 455.04 (1) or (2), as defined in s. 990.01 (31m), or a person reasonably believed by the patient to be a psychologist.

SECTION 51. 939.615 (6) (e) of the statutes is amended to read:

939.615 (6) (e) A person filing a petition requesting termination of lifetime supervision who is entitled to a hearing under par. (d) 2. shall be examined by a person who is either a physician or a psychologist licensed under ch. 455 and who is approved by the court. The physician or psychologist who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for termination of lifetime supervision is a danger to public. The physician or psychologist shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the person filing the petition and the district attorney who received a copy of the person’s petition under par. (c). The contents of the report shall be confidential until the physician or psychologist testifies at a hearing under par. (f). The person petitioning for termination of lifetime supervision shall pay the cost of an examination required under this paragraph.

SECTION 52. 971.16 (1) of the statutes is repealed.

SECTION 53. 971.17 (7) (c) of the statutes is amended to read:

971.17 (7) (c) If the person wishes to be examined by a physician, as defined in s. 971.16 (1) (a), or a psychologist, as defined in s. 971.16 (1) (b), or other expert of his or her choice, the procedure under s. 971.16 (4) shall apply. Upon motion of an indigent person, the court shall appoint a qualified and available examiner for the person at public expense. Examiners for the person or the district attorney shall have reasonable access to the person for purposes of examination, and to the person’s past and present treatment records, as defined in s. 51.30 (1) (b), and patient health care records as provided under s. 146.82 (2) (c).

SECTION 54. 990.01 (31m) of the statutes is created to read:

990.01 (31m) PSYCHOLOGIST. “Psychologist” means a psychologist who is licensed under s. 455.04 (1) or (2), is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).



ASPPB

Association of State and
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection

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October 28, 2022

Dear ASPPB Member Boards:

The ASPPB Board of Directors (“Board”) would like to update member jurisdictions on the status of the EPPP. As you know, the EPPP was updated to include two parts (knowledge and skills) as a comprehensive examination that allows jurisdictions to more completely measure competency of candidates for licensure. In 2018, the Board made the decision to allow jurisdictions to use the EPPP (Part 2- Skills) optionally with the promise to membership to revisit the future of the EPPP in 2022.

Over the past several years the Board has spent considerable time gathering feedback from its jurisdictional members, liaisons to ASPPB, and various other stakeholders in the psychology community. Some of these activities have included discussions about the EPPP at ASPPB membership meetings, jurisdictional question and answer sessions, engagement with the training and education community, and the creation of the collaborative Examination Stakeholder Technical Advisory Group (ESTAG). Most recently, ASPPB conducted four Town Hall meetings during the summer of 2022. During the meetings, ASPPB provided those in attendance with a summary of the rationale for the development for the EPPP (Part 2- Skills), and questions surrounding the exam that have been raised by ASPPB membership and other stakeholders. Time was taken to share how those questions have been and continue to be addressed, and an overview was provided on the examination development process. Lastly, comment periods were made available for those who attended the Town Halls to share their thoughts and concerns regarding anything they heard in the presentation. In an effort to extend access to this important information, a recording of the presentation is available at <https://vimeo.com/743463541/0991a45ead>. Attached is a factual overview of the EPPP processes related to the main concerns that have been reported to ASPPB.

ASPPB is guided by its mission to assist its members with their primary responsibility of protecting the health, safety, and welfare of the public. In this effort, the Board remains committed to the ongoing development, refinement, and use of a valid, reliable, state-of-the-art competency assessment for those individuals that are seeking licensure to practice psychology. Consistent with the above, during its October 2022 meeting, the Board unanimously passed the following motion:

Effective no later than January 1, 2026, the EPPP is one examination with two parts, EPPP (Part 1 – Knowledge) and EPPP (Part 2 – Skills).

This means the EPPP will only be offered as a two-part examination effective January 1, 2026. We are aware that a number of jurisdictions are ready to move to the two-part model

immediately. Indeed, some already have. The transition in the registration portal can be accomplished fairly quickly. If your jurisdiction is ready to move forward, please notify Dr. Matt Turner at mturner@asppb.org.

Thank you for your continued efforts to ensure safe and competent practice in all of our jurisdictions.

The ASPPB Board of Directors

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ASPPB

Association of State and
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An Update on the EPPP from ASPPB: A Factual Overview

The following information is provided to address misinformation and misunderstandings currently being circulated by communities outside of the regulatory community. First, ASPPB is committed to the development, refinement, and maintenance of a valid, fair, and equitable examination of competence to practice. ASPPB has taken the last five years, since the initial introduction of a two-part national examination in 2017, to listen, learn and move forward thoughtfully. Moreover, we anticipate positive collaboration in the years to come, with various members of the psychology community in these efforts. This document addresses the issues raised in a recent mass email campaign initiated by some in the education and training community. Please take a moment to review the information below and contact ASPPB with any questions, suggestions, or concerns you may have.

ASPPB is committed to addressing concerns raised by stakeholder groups regarding the examination of an individual's competence to practice psychology. ASPPB has taken many specific action steps to respond and will continue to do so on behalf of its members and the public they serve.

In 2020, ASPPB established the Examination Stakeholder Technical Advisory Group (ESTAG). ESTAG was charged with (a) providing information on issues/questions raised by the training community and collaborating on methods to address such issues/questions, (b) serving as an additional voice and resource to inform more substantive policy questions from or before EPPP committees, (c) serving as informal liaisons to and from their respective communities regarding the ASPPB Examination Program, and (d) serving as a “think tank” that provides potential research ideas for examination-related matters.

ASPPB intentionally established ESTAG membership to include sharp critics of the EPPP, representatives from the education and training community, representatives from the regulatory community, and experts in test and measures development. There are 11 advisory members on ESTAG with the majority representing the school, counseling, and clinical education and training communities.

ESTAG met numerous times over the course of the last 2 years and conducted extensive work during and in between meetings. Over the summer months of 2022, the members worked to prepare and finalize a report with recommendations to the ASPPB Board of Directors (Board) regarding research options and communication strategies for the EPPP (Part 1- Knowledge) and (Part 2-Skills). Concurrently, ASPPB held four town hall meetings explicitly inviting regulatory, education, training, ethnic identifying, and other professional stakeholder groups to listen to updates regarding the Examination Program and to bring questions and concerns. Attendees asked questions and raised any concerns either during a live Q & A or by an option to send questions or concerns by email. Notably, very few concerns were raised either during, or in response to, these town hall meetings.

Unfortunately, during the town hall presentation, a remark was made indicating that the ESTAG had come to a consensus that the EPPP “met the Standards” [for Educational and Psychological Testing], when in fact the ESTAG’s

discussion on this issue was more nuanced and complex. Moreover, the ESTAG had not yet submitted its formal report to the ASPPB Board and, therefore, the remark was a premature one. Board President Alan Slusky apologized (see Appendix) to the education and training community. A video recording of the town hall giving a comprehensive review of the status of the EPPP that had been distributed, was revised to remove this misstatement, and then redistributed: <https://vimeo.com/743463541/0991a45ead>. Unfortunately, two members of the ESTAG elected to resign following this misstatement.

The ESTAG submitted its final report on August 22, 2022 and it was reviewed by the ASPPB Board at its October Meeting. The ASPPB Board greatly appreciates the work of ESTAG and is moving to promptly implement actionable, detailed recommendations. The Board will nominate people to fill the two vacant positions as it expects ESTAG's ongoing work to contribute greatly to the evolution of the EPPP.

The ASPPB Examination Program's procedures and evidence are rigorous and align with all generally accepted licensure examination development standards, including critical and foundational standards outlined by the *Standards for Educational and Psychological Testing*.¹ An independent evaluation was recently conducted by the California Office of Professional Examination Services (OPES) as part of its mandate to ensure that all examination programs used in the California licensure process comply with psychometric and legal standards for the development of professional licensure exams. **This thorough independent review clearly stated that the EPPP (Part 1- Knowledge) and (Part 2- Skills) meets the Standards:**

OPES found that the procedures used to establish and support the validity and defensibility of the above examination program components of the EPPP Part 1 and Part 2 appear to meet professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing (2014) (Standards) and in California Business and Professions (B&P) Code § 139.

https://psychology.ca.gov/about_us/meetings/materials/20211022_materials.pdf pp. 103-143

A two-part examination will not create new barriers to practice. Rather, it promises to smooth the road to licensure amidst a national mental health crisis.

Amid a national mental health crisis driven in part by mental health provider shortages, the need for qualified providers has never been more important. ASPPB is committed to supporting an accessible, navigable, and efficient path to licensure for all qualified candidates. The EPPP (Part 2-Skills) was developed to assess the skills of individuals who desire to practice psychology. In other words, it assesses the work with which practitioners are actually tasked at the point of licensure. The methodology undertaken to develop the exam is sound, it involved over one hundred licensed psychologists in direct development, and it reflects the *minimum* level of skills that should be demonstrated to safely practice. Although all would agree that more mental health services are needed, the notion that the public should not expect these services to be delivered by individuals who have empirically demonstrated minimally competent knowledge and skills is dangerous.

Furthermore, prior to the development of the EPPP (Part 2- Skills), numerous jurisdictions had created their own versions of skills exams which varied significantly in terms of development, method, and content. Still other jurisdictions utilized oral examinations to assess skills, which risk being more subjective and subject to legal challenges. The EPPP (Part 2-Skills) provides for consistent assessment of skills across jurisdictions, based on industry standards. It is expected to *replace* current steps to licensure, *not* add to them. Nevada, for example, eliminated a state-specific skills exam by replacing it with the EPPP (Part 2-Skills).

Moreover, in service of supporting a streamlined approach to licensing qualified individuals, ASPPB’s recommended timing for delivery of the EPPP (Part 1-Knowledge) is as soon as foundational coursework is completed and prior to or during internship. This timing allows candidates to take Part 1 of the exam at the point of knowledge acquisition (when pass rates are highest)² as is done with other doctoral level health professions. Part 2 would then be delivered at the point of licensure (as is currently the case). Therefore, no additional delays in achieving licensure are anticipated.

The development of a fair, equitable, and accessible exam is a core value of ASPPB.

Significant time, energy, and resources have been put in place to develop processes and practices that reduce the chances of bias influencing exam performance³. These efforts have included:

- Intentional inclusion of a diversity of backgrounds, including race, ethnicity, and other identities; areas of expertise; and training backgrounds on all examination committees
- Training all item-writers to consider, among other things, cultural and linguistic issues
- In-person implicit bias training for all EPPP (i.e., Part 1- Knowledge and Part 2- Skills) item writers
- Repeated subject matter expert review of each item prior to appearing on an exam form, at multiple levels by several independent committees
- Pre-testing and statistical evaluation of *each* item prior to use as a scored item
- A statistical analysis, Differential Item Functioning (DIF), for each item across demographic variables
- Creation of an Item Review Committee (IRC) in 2020 to review those items identified by the DIF analysis for possible bias

Differential Item Functioning (DIF) analysis has been conducted since 2018 on each form of the EPPP. So far, over 1300 EPPP items have been subjected to DIF analyses. This process identifies items that perform differentially across demographic groups.

Next, any items that have been identified or flagged by the DIF analysis are reviewed by the 10-member Item Review Committee (IRC), an independent committee of psychologists with expertise in cultural competence, and experience working with underrepresented and marginalized populations. This committee was selected from well over 150 applicants. Items are reviewed blindly by committee members, and those that they deem potentially biased are removed from the exams.

To date, more than 1,300 items have been reviewed by DIF analysis; 34 items were flagged for review by the IRC. Committee members conducted a blind review of these 34 items and determined that 7 items should be omitted from the exam and item pool. This is an ongoing process, and DIF analyses will be conducted on every EPPP exam form going forward.

Although the current data suggest limited evidence of bias, ASPPB recognizes its responsibility in ensuring fair and equitable exams. This work must be multifaceted, ongoing, and expanded to eliminate inequities along the entire professional journey, beginning at recruitment, continuing through admissions and training, and ending in licensure. ASPPB will conduct future research on factors that may influence performance on the exam, will support test-takers in giving their best test performance, and will truly partner with stakeholders on research aimed at elucidating “the why” of differential performance across demographic groups.

ASPPB has also demonstrated its responsiveness to diversity and equity through a number of other actions. Although the ASPPB Board recognizes that these actions only represent a starting point, we wish to highlight examples of this work here:

- Regular education and outreach to the American Psychological Association of Graduate Students (APAGS) to assist students from diverse groups in understanding the licensure and examination process, including three presentations in 2022
- Consultation to A. Mihecoby and J. Thomas, authors of “*Lighting the Path*” to Psychology Licensure: *EPPP Handbook for Native Candidates*” published by The Society of Indian Psychologists
- Active participation in, and financial support for, the conference that culminated in the development of the Council of Chairs of Training Councils (CCTC) *Socially Responsive Toolkit* (2020)
- Ongoing work with CCTC to develop a network of PSYPACT holders to provide low-cost mental health services to graduate students in health service psychology programs
- Consistent with its commitment, approving financial support for students and early career psychologists through the:
 - 2022 National Multicultural Conference and Summit
 - 2022 Inez Beverly Prosser Scholarship for Women of Color, sponsored by PsiChi, The International Honor Society in Psychology

The ASPPB Board is actively exploring additional avenues to support successful licensure of candidates from under-represented racial and ethnically diverse backgrounds.

A two-part examination of knowledge and skills ensures a thorough assessment of competence and is good for the protection of public health and welfare.

At the point of licensure, regulatory boards have the responsibility to assess each individual applicant in real-time, to determine if they can safely practice psychology. Psychology has been an outlier among health care professions in not having had a standardized assessment of competency. Skills are not measured universally or in a standardized manner but instead through other methods such as supervisor ratings and letters of recommendation. The EPPP (Part 2-Skills) does, in fact, finally provide the measure that has been lacking. No better universal measure currently exists to ensure that a candidate demonstrates the minimal level of skills to practice independently, at a single point in time, across all expected profession-wide competencies (e.g., intervention and assessment, professionalism). This is particularly important given notable concerns raised by the training community that psychology trainees’ development of skills has been increasingly inconsistent. Recent concerns expressed by the Association of Psychology Internship and Postdoctoral Centers (APPIC) over the lack of adequate preparation of students for internship highlight these concerns and further argue for the need for an independent measure of competence to safely practice psychology.

ASPPB is a non-profit organization that is mindful of cost and of responsibly stewarding its resources on behalf of the health and welfare of the public.

We agree that the cost of education, and subsequent substantial educational debt, are enormous problems for students and may disproportionately impact first generation and low-income candidates. In response to concerns raised by stakeholders, students, and member jurisdictions, the Board has taken steps over the past 3 years in service of reducing the financial burden for test-takers. These actions have included:

- A 25% reduction in the EPPP (Part-2 Skills) fee, with no current plans to increase that fee
- Practice examinations that are now provided at-cost, so that candidates may access both in-person and on-line exams at minimal expense

ASPPB also expects that administering the EPPP (Part 1-Knowledge) at the point of knowledge acquisition (as is now recommended) will result in significant cost-savings for students who would otherwise pay for expensive third-party test-preparation materials. As noted above, the two-part format will allow for early admittance to the EPPP (Part 1-Knowledge) exam at the time of knowledge acquisition, a time when our research shows that pass-rates are higher ². Higher initial pass rates and less reliance on expensive test preparation companies are expected to mitigate costs substantially. ASPPB also expects that students who do not pass the EPPP (Part 1-Knowledge) at the time of knowledge acquisition will benefit from remediation while they are still in the training phase, while still in their programs with access to that remediation. Further, training programs will benefit from real-time feedback regarding students' preparation in the foundational knowledge required for internship readiness at the individual level, and accreditation at the program level.

ASPPB appreciates this opportunity to outline these changes which we believe will serve the public interest and benefit the profession of psychology. We invite you to share additional questions or concerns you may have via email at asppb@asppb.org or telephone at (678) 216-1175. Thank you.

References

1. American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, eds. (2014). *Standards for Educational and Psychological Testing*. Lanham, MD: American Educational Research Association.
2. Schaffer, J., Rodolfa, E., Owen, J., Lipkins, R., Webb, C., & Horn, J. (2012). The Examination for Professional Practice in Psychology: New data–practical implications. *Training and Education in Professional Psychology*. 6. 1-7. 10.1037/a0026823.
3. Turner, M. D., Hunsley, J., & Rodolfa, E. R. (2021). Appropriate validation standards for licensure examinations: Comment on Callahan et al. (2020). *American Psychologist*, 76(1), 165–166.

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August 31, 2022

Dear Examination Stakeholder Advisory Group Members,

I am writing on behalf of the ASPPB Board of Directors to apologize for the recent incorrect and ill-timed statement made in ASPPB's video regarding the status of the EPPP. In one segment of the video, a remark was made that the ESTAG had come to consensus that the EPPP "met *The Standards*"¹, when in fact the ESTAG's discussion on this issue was more nuanced and complex. Moreover, the ESTAG had not yet submitted its formal report to the ASPPB Board and, therefore, the remark was a premature one. We also recognize that the names and affiliations of ESTAG members were displayed in the video without providing the courtesy of advance notice. Lastly, we recognize that some have expressed concern that a response recently issued from ASPPB fell short of an apology. We are hopeful that this letter clearly communicates our sincere apology over what has happened.

Understandably, the trust that is so critical for collaboration between ASPPB and members of the ESTAG (and the stakeholder groups they represent) has been fractured. While we believe that this remark was not ill intentioned or malicious, we nevertheless take responsibility and regret the subsequent negative impact on ESTAG's membership and cohesion. In response to these concerns the video in question was immediately taken down, edited, and reposted without the statement or names and affiliations of ESTAG members. Further, we are committed to improving our processes to ensure that the work of ASPPB's committees and advisory groups is fully considered and represented before actions are taken.

The ESTAG was born out of ASPPB's desire, and the wishes of the psychology education and training community, to collaborate and advise the ASPPB Board on the ongoing development and validation of the EPPP. ASPPB did its best to intentionally constitute this working group with those who have expertise in psychometrics and those who are most critical of the examination. While advisory in nature, it was (and continues to be) our hope that the ESTAG would provide valuable outside perspectives on the exam, to ensure it continues to be a valid, reliable, and fair assessment of entry level knowledge and competence, so essential to the safe and ethical practice of psychology. Toward this end, we hope this error will not jeopardize ESTAG's continued work to meet its goals.

We understand that two members of ESTAG have elected to withdraw from the group in response. While we certainly respect their decisions, we

sincerely hope that they might either reconsider their decision or support their respective organizations in nominating individuals to take their place on this advisory group. ASPPB values the contributions that ESTAG has made and, we hope, will continue to make to the development and maintenance of the EPPP.

Finally, we remain open to dialogue with all members of the ESTAG over this or any other concerns it may have with regards to its efforts. We sincerely hope our efforts to acknowledge the error will facilitate rebuilding trust with this very important advisory group as well as the stakeholder communities it represents.

Sincerely,



Alan Slusky, Ph.D., C. Psych.
President, ASPPB Board of Directors

CC:

Danielle Keenan-Miller, PhD
Association of Psychology Training Clinics Council of Chairs of Training Councils
Timothy Strauman, PhD
Council of University Directors of Clinical Psychology

¹American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (2014). Standards for educational and psychological testing. Washington, DC: Author.



ASPPB

Association of State and
Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)

The EPPP will be a two-part exam that more thoroughly assesses the totality of competency of candidates for licensure. This will include:



EPPP (Part 1-Knowledge)

The EPPP (Part 1-Knowledge) is the foundational knowledge exam that is presently in place in all jurisdictions.

This is a critical assessment as it provides licensure boards with information on their candidates general knowledge of psychology. This includes important psychological theories in areas such as cognition, affect, development and general knowledge of intervention and assessment, research, factors impacting psychological functioning as well as many other aspects of the foundational knowledge that psychologists are taught in graduate school.

This will become the prerequisite for the skills-based portion of the EPPP.



EPPP (Part 1-Knowledge): Domains and Weights

1. Biological Bases of Behavior (10%)
2. Cognitive-Affective Bases of Behavior (13%)
3. Social and Cultural Bases of Behavior (11%)
4. Growth and Lifespan Development (12%)
5. Assessment and Diagnosis (16%)
6. Treatment, Intervention, Prevention and Supervision (15%)
7. Research Methods and Statistics (7%)
- 8: Ethical/Legal/Professional Issues (16%)



EPPP (Part 2-Skills)

The EPPP (Part 2-Skills) is used to evaluate the skills of a candidate applying for licensure in Psychology.

This skills-based assessment includes questions about applied, real world situations that psychologists face in practice. This provides valuable information to licensing board as it assesses the candidate's ability to show what they would DO in an applied setting. This has never been assessed through a universal standard across different jurisdictions.

The EPPP (Part 2-Skills) assesses the following areas:



EPPP (Part 2-Skills): Domains and Weights

1. Scientific Orientation (6%)
2. Assessment and Intervention (33%)
3. Relational Competence (16%)
4. Professionalism (11%)
5. Ethical Practice (17%)
6. Collaboration, Consultation, Supervision (17%)

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EPPP

Score Transfers

PEP

Psychopharmacology Exam
for Psychologists



Format of the EPPP (Part 2-Skills)

The EPPP (Part 2-Skills) provides information on candidate understanding of how to proceed in applied situations. This is done by presenting case situations, or real world information, in a variety of item formats including:

- Multiple Choice:** Candidate must choose the best choice of 3 responses.
- Multiple Choice/
Multiple Response:** Candidate will be allowed to choose more than one response from a series of possible answers. For example, select 2 of 5 options.
- Scenarios:** Presents information from an applied situation. Scenarios have up to 3 “Exhibits” which present additional information. This can be an animation, a description of an interview, a test protocol, or other data that adds information. Each Exhibit can have up to 5 questions that pertain to that part of the scenario.
- Point and Click:** A graphical image is presented (ie. A test protocol, a business card, an advertisement, a letter, etc.) and the candidate may select one or more areas on the image to indicate a response to the question.
- Drag and Drop:** Matching multiple appropriate stimuli on the left side of the screen to an appropriate response on the right side of the screen.

The EPPP (Part 2-Skills):

Questions: 170

Exam Time: 4 hr 15 min

Exam Breakdown:

Multiple Choice or Multiple Choice Multiple Response:	45%
Scenario Based Questions:	45%
Other Item Types:	10%



ASPPB

Association of State and
Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)



Why is the EPPP (Part 2-Skills) needed?

Psychology and most regulated professions have embraced the move to competency and the assessment of competence. Until now, the universal standard across all jurisdictions has been the EPPP (Part 1-Knowledge). This has served its purpose very well for over 50 years. However, adding the EPPP (Part 2-Skills) provides a more thorough assessment of competence.

Skills assessment has been left to each individual jurisdiction to determine based on their own rules. This is most often done by requiring a number of supervised hours, oral examinations, and letters of recommendation. All of these methods have known reliability concerns.

Licensing Boards are charged with ensuring that candidates approved for licensure are competent to practice. Many jurisdictions would like better information about the skill set of their candidates. The EPPP (Part 1-Knowledge) allows candidates to demonstrate a universal standard of foundational knowledge. The EPPP (Part 2-Skills) provides a valid, reliable, and legally defensible measure for regulators to assess their candidates' demonstration of a universal standard of skills.

**Jurisdictions interested in adopting the EPPP (Part 2-Skills) are encouraged
to contact Matt Turner at mturner@asppb.org**



ASPPB

Association of State and
Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)



Validity of the EPPP (Part 2-Skills)

Because the EPPP (Part 2-Skills) is a new assessment, ASPPB has received many questions regarding the validity of the exam. The process of development of both the EPPP (Part 1-Knowledge) and the EPPP (Part 2-Skills) follows a rigorous content validation methodology that complies with the Guidelines for the Standards in Educational Testing described by American Psychological Association (APA), American Educational Research Association (AERA), and the National Council on Measurement in Education (NCME).

Overview of the Process

Job Task Analysis (JTA) - A comprehensive study that involves Subject Matter Experts (SMEs) who are licensed psychologists that establish the knowledge and skills that are required for practice in psychology. The resulting requirements are sent via survey to thousands of licensed psychologists throughout the United States and Canada. The survey respondents indicate which areas are important for entry level practice. The results establish the test specifications (blue print) for the exam. Essentially, the expertise of licensed psychologists establishes what should be assessed by the exam.

Item Writing - SMEs write exam items according to the test specifications established from the JTA. All writers for the EPPP (Part 2-Skills) are licensed in the United States or Canada.

Item Review - Each item is reviewed by an Item Development Committee (IDC) SME in that Domain who is an established expert in that specific area. Items are reviewed in an iterative process between the reviewer and the item writer until the item is acceptable to both or discarded.

Exam Form Review - Each item is again reviewed prior to being placed on an exam by the Examination Committee. This committee is comprised of 10 SMEs who are psychologists that have particular expertise in each of the domains on the exam and represent various areas of psychology practice and training. Items that have been approved by the IDC are again reviewed for accuracy, relevancy to practice, clarity, and freedom from bias, among other factors.

Psychometric Review - Once approved by the Examination Committee, each item is pretested (or beta tested) prior to being an active item that is scored item on an exam. Items that do not perform well during pretesting, according to psychometric standards, are not included on a candidate's overall scores.

Standard Setting - The pass point of the exam is established through a rigorous review process called a standard setting. This involves a committee of SMEs who are licensed psychologists, most of whom are typically early career psychologists. These SMEs review the exam form item by item and provide rating data on difficulty. The data is analyzed to determine the appropriate pass point which represents the minimal knowledge or skills required for entry level practice.

These multiple levels of review by Psychologists and the ongoing analysis of psychometric data ensures that the examination is accurate, relevant, valid and legally defensible.

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

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of one of the following:
 - (a) Official transcript indicating a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.
 - (b) Academic training or specialized experience which in the opinion of the board is equivalent to a doctoral degree in psychology.
 - (c) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists or other credential evaluation organization approved by the Board.
- (4) Documentation of at least one year experience in psychological work meeting the requirements in 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) Documentation necessary for the Board to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:
 - (a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a psychologist.
 - (b) The applicant has been convicted of a crime substantially related to the practice of a psychologist.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. (intro.), Register, August, 1993, No. 452, eff. 9-1-93; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1995, No. 473; am. (3), Register, January, 1997, No. 493, eff. 2-1-97; am. (1), (2) and (7), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124: am. (12) Register July 2003 No. 571, eff. 8-1-03; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register July 2004 No. 583; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16; correction in (4) made under s. 35.17, Stats., Register August 2016 No. 728; CR 21-003: r. and recr. (8) Register December 2021 No. 792, eff. 1-1-22.

Psy 2.013 Reciprocity. An applicant who holds an active license in another state, territory, foreign country or province whose license standards are deemed by the board to be equivalent to the standards in this state may apply for license by submitting the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (4) Evidence of passing the jurisprudence exam.

History: CR 15-102: cr. Register August 2016 No. 728, eff. 9-1-16; CR 21-084: r. (3) Register February 2022 No. 794, eff. 3-1-22.

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.

History: Cr., Register, January, 1997, No. 493, eff. 2-1-97.

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.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; r. and recr., Register, January, 1997, No. 493, eff. 2-1-97; CR 15-102: am. (1), r. (2), (3), am. (4) Register August 2016 No. 728, eff. 9-1-16.

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 experi-

ence shall be supervised by a person with a doctoral degree in psychology.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. (2) (a) 1., 4. and 5., Register, November, 1992, No. 443, eff. 12-1-92; cr. (4), Register, August, 1993, No. 452, eff. 9-1-93; am. (1) (a), (3) (a) 2., 10., (b), (c) and (4), r. (1) (j) and (2), Register, June, 1999, No. 522, eff. 7-1-99; correction in (5) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522; CR 02-124: am. (3) (a) 1. to 3., 5., 7., (b), and (c) Register July 2003 No. 571, eff. 8-1-03; CR 04-021: am. (1) (i), r. (5) Register July 2004 No. 583, eff. 8-1-04; CR 12-055: am. (4) Register August 2013 No. 692, eff. 9-1-13; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16.

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

(1) Completion of 2000 hours of the supervised psychological experience in no more than 24 months.

(2) Clients shall be informed that the psychological trainee is receiving supervision and that the client's case will be discussed in the context of required supervision. The trainee must inform potential clients in writing of his or her trainee status and lack of license.

(3) A minimum of 25% of the experience required shall consist of face-to-face client contact.

(4) A total of 65% of the experience required shall consist of the face-to-face client contact required under sub. (3) and direct service for the purpose of providing psychological service. For the purposes of this subsection, direct service means those activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation, and reviewing published works relating to the client's needs.

(5) The primary supervisor shall be a licensed psychologist and shall have adequate training, knowledge, and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have post-licensure experience and shall have had training or experience in supervision of psychological work. Supervisors shall not be an immediate relative by blood or marriage.

(6) The supervisor's responsibilities include all of the following:

(a) Permit a trainee to engage in only psychological practice the supervisor can competently perform.

(b) Have sufficient knowledge of the trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client.

(c) Monitor the progress of the work on a regular basis.

(d) Determine the adequacy of the trainee's preparation for the tasks to be performed.

(e) Provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weakness, shall be written and discussed with the trainee on at least a semi annual basis and shall be made available to the board upon request.

(f) Be available or make appropriate provision for emergency consultation and intervention.

(g) Be legally and ethically responsible for the professional activities of the trainee.

(h) Be able to interrupt or stop the trainee from practicing in given cases.

(i) To terminate the supervised relationship if necessary.

History: CR 15-102: cr. Register August 2016 No. 728, eff. 9-1-16.

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.

(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.

History: Cr. Register, June, 2001, No. 546, eff. 7-1-01; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16; (1) to (4) renum. from (intro.), (1), (2), (3) under s. 13.92 (4) (b) 1., Stats., and correction in (2) made under s. 35.17, Stats., Register August 2016 No. 728; correction in (2) made under s. 35.17, Stats., Register December 2021 No. 792.

CHAPTER 455

PSYCHOLOGY

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SUBCHAPTER I

REGULATION OF PSYCHOLOGY

455.01 Definitions. In this subchapter:

(1) “Authority to practice interjurisdictional telepsychology” has the meaning given in s. 455.50 (2) (b).

(2) “Doctoral degree in psychology” means a doctoral degree in a study which involves the application of principles of the practice of psychology. A doctoral degree granted as the result of study involving one or more of the areas of psychological practice recognized by the American psychological association or in any other field recognized by the examining board shall be considered a doctoral degree in psychology.

(2m) “E.Passport” has the meaning given in s. 455.50 (2) (g).

(3) “Examining board” means the psychology examining board.

(3m) “Fee,” when used other than in reference to a fee for a credential, means direct or indirect payment or compensation, monetary or otherwise, including the expectation of payment or compensation whether or not actually received.

(3r) “Interjurisdictional practice certificate” has the meaning given in s. 455.50 (2) (im).

(5) (a) “Practice of psychology” means the observation, description, evaluation, interpretation, prediction, or modification of human behavior by the application of psychological principles, methods, or procedures for any of the following purposes, in exchange for a fee:

1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior and promoting adaptive health maintaining behavior or psychological functioning.

2. Assisting in legal decision-making.

(b) “Practice of psychology” includes all of the following if done in exchange for a fee:

1. Psychological testing and the evaluation or assessment of a person’s characteristics, including intelligence; personality; cognitive, physical, or emotional abilities; skills; interests; aptitudes; or neuropsychological functioning.

2. Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior therapy, and applied behavior analysis.

3. The diagnosis, treatment, or management of mental and emotional disorders or disabilities, substance use disorders, disorders of habit or conduct, and the psychological aspects of physical illnesses, accidents, injuries, or disabilities.

4. Psychoeducational evaluation, therapy, or remediation.

5. Consultation with other psychologists, physicians, or other health care professionals and with a patient regarding all available treatment options with respect to the provision of care for a specific patient or client.

6. The supervision of anything specified in subds. 1. to 5.

(6) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles, including for the purpose of assisting individuals with modifying their behaviors, cognitions, emotions, or personality characteristics, or for the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(9) “Temporary authorization to practice” has the meaning given in s. 455.50 (2) (o).

History: 1977 c. 192, 273, 418; 1989 a. 243; 1995 a. 188; 2021 a. 22, 131.

455.02 License required to practice; use of titles.

(1m) LICENSE REQUIRED. (a) Except as provided in sub. (2m) and ss. 257.03 and 455.03, no person may engage in the practice of psychology, or attempt to do so or make a representation as authorized to do so, without a license issued by the examining board.

(b) Except as provided in sub. (2m) and ss. 257.03 and 455.03, only an individual licensed under s. 455.04 (1) or (2) may use the title “psychologist” or any similar title or state or imply that he or she is licensed to practice psychology. Except as provided in sub. (2m) and ss. 257.03 and 455.03, only an individual licensed under s. 455.04 (1) or (2) may represent himself or herself to the public by any description of services incorporating the word “psychological” or “psychology.”

(2m) EXCEPTIONS. A license under this subchapter is not required for any of the following:

(a) A person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted by this state.

(b) A person providing psychological services as directed, supervised and inspected by a psychologist who has the power to direct, decide and oversee the implementation of the services provided.

(c) The performance of official duties by personnel of any of the armed services or federal health services of the United States.

(d) A person employed in a position as a psychologist or psychological assistant by a regionally accredited higher educational institution, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdictions of the institution in which he or she is employed, and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the institution with which he or she is employed. An individual acting under this paragraph may teach the practice of psychology, conduct psychological research, present lectures on the practice of psychology, perform any con-

sultation required by his or her academic or research functions, or provide expert testimony in court related to his or her field of expertise. A person employed in a position under this paragraph may utilize or represent himself or herself by the academic or research title conferred upon him or her by the administration of the laboratory, school, college, or university or use the title “psychology professor” or “academic psychologist.”

(e) A person pursuing a course of study leading to a graduate degree in medicine, social work, marriage and family therapy or professional counseling at an accredited college or university while working in a training program, if the person’s activities and services constitute a part of his or her supervised course of study and the person is designated by a title that clearly indicates the training status appropriate to the person’s level of training.

(f) A person providing psychological services as part of a psychology training program, if his or her activities and services constitute a part of the supervised course of study and are performed under the supervision of a psychologist licensed under this subchapter and the person does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she may receive for the performance of the official duties with the employing agency or organization. A person providing services under this paragraph may use the title “psychology student,” “psychology intern,” or “psychology resident.”

(g) A person certified by the department of public instruction to provide psychological or counseling services, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdiction of the school district by which he or she is employed and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the school district by which he or she is employed.

(i) An ordained member of the clergy of any religious denomination or sect who is associated with a church, synagogue or other religious organization, contributions to which are tax deductible for federal and state income tax purposes, if the member of the clergy is engaged in activities that are within the scope of his or her regular duties as a member of the clergy and that are not rendered to the public for a fee over and above the salary or other compensation that the member of the clergy receives for the performance of his or her official duties as a member of the clergy with the church, synagogue or religious organization with which he or she is associated.

(k) A person whose activities are limited to educational or vocational counseling or testing that is performed in a human resources, personnel, or educational setting.

(L) A mental health professional who has met all of the qualifications under s. DHS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health services under s. DHS 61.95, Wis. Adm. Code, if the person is performing activities that are a part of the duties for which he or she is employed by such a certified outpatient psychotherapy clinic and is performing those activities solely within the confines of or under the jurisdiction of the clinic by which he or she is employed.

(m) A person providing psychological services as an employee of a federal governmental agency, if the person is providing the psychological services as a part of the duties for which he or she is employed, is providing the psychological services solely within the confines of or under the jurisdiction of the agency by which he or she is employed, and does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the agency by which he or she is employed.

(n) A person coordinating or participating in the activities of a nonprofit peer support group, if the person performs those activities solely within the confines of the peer support group and does

not render or offer to render psychological services to the public for a fee.

(o) A person providing psychological services as an employee of a state or local governmental agency, if the person is providing the psychological services as a part of the duties for which he or she is employed, is providing the psychological services solely within the confines of or under the jurisdiction of the agency by which he or she is employed, does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the agency by which he or she is employed, and has received a master’s degree in psychology from a regionally accredited higher educational institution or has fulfilled requirements commensurate with a master’s degree, as determined by the examining board. The examining board may promulgate rules to further establish requirements for exemptions under this paragraph for persons who do not hold a master’s degree in psychology. A person providing services under this paragraph may use the title “psychological associate.”

(p) A person providing psychological services under the supervision of a psychologist licensed under this subchapter as part of a formal psychology fellowship program that meets the program standards of an organization as determined by the examining board. A person providing services under this paragraph may use the title “psychology fellow.”

(q) A person whose activities are limited to testifying in a court in this state regarding services rendered in another state.

(r) A person engaging in the private practice of school psychology who holds a valid private practice school psychologist license issued under s. 455.04 (4), 2019 stats. A person acting under this paragraph may use the title “private practice school psychologist.”

(s) A person who holds a doctoral degree in psychology but does not engage in the practice of psychology. A person described in this paragraph may use the title “psychologist” or “doctor of psychology.”

History: 1979 c. 162 ss. 30, 38 (7); 1989 a. 243; 1995 a. 27 ss. 9126 (19), 9145 (1); 1995 a. 188; 1995 a. 225 s. 466; 1997 a. 35, 261; 2001 a. 38, 104; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2009 a. 42, 180; 2021 a. 22, 131.

455.025 Practice of medicine and surgery. Nothing in this chapter shall be construed to authorize a psychologist to engage in the practice of medicine and surgery.

History: 2021 a. 22.

455.03 Temporary practice; telepsychology. (1) (a) In this subsection, “day” means any part of a day during which psychological services are rendered.

(b) A psychologist who is licensed or certified by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may provide psychological services in this state on not more than 60 days in any year without holding a license issued under s. 455.04 (1). The psychologist shall report to the examining board the nature and extent of his or her practice in this state if it exceeds 20 days within a year.

(2) An individual who holds a valid interjurisdictional practice certificate may exercise the temporary authorization to practice in this state, subject to ss. 455.50 (5) and 455.51 (2) (a) 1. and (b) 1.

(3) An individual who holds a valid E.Passport may practice under the authority to practice interjurisdictional telepsychology as provided in and subject to ss. 455.50 (4) and (6) and 455.51 (2) (a) 2. and (b) 2.

History: 1989 a. 243; 2021 a. 22, 131.

455.04 Licensure of psychologists. (1) Subject to s. 455.09, the examining board shall grant a psychologist license to

an individual who submits an application for the license, pays the fee determined by the department under s. 440.03 (9), and satisfies all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Subject to ss. 111.321, 111.322, and 111.335, not have a conviction record.
- (c) Hold a doctoral degree in psychology from a program accredited by an organization approved by the examining board, or have had other academic training that the examining board determines to be substantially equivalent on the basis of standards established by rule. The examining board may require examinations to determine the equivalence of training for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Complete at least 3,000 hours of supervised graduate-level experience in the practice of psychology under conditions satisfactory to the examining board and established by rule. Supervised hours shall consist of all of the following:
 1. At least 1,500 hours of experience in a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
 2. At least 1,500 hours of experience consisting of any combination of the following, as established by the examining board by rule:
 - a. 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, as defined by the examining board by rule.
 - b. Hours accrued in the internship described in subd. 1. that are in excess of the 1,500 hours required under subd. 1.
 - c. Post-internship hours accrued after the completion of the internship under subd. 1., but before the conferral of the doctoral degree.
 - d. Postdoctoral hours obtained after the conferral of the doctoral degree.

(e) Pass the examination under s. 455.045 (1) (a).

(f) Pass the examination under s. 455.045 (1) (b).

(2) Subject to s. 455.09, the examining board shall grant an interim psychologist license to an individual who submits an application for the license, pays the fee specified under s. 440.05 (6), and satisfies the requirements for a license under sub. (1) (a) to (c), (d) 1., and (f). An individual licensed under this subsection may provide psychological services only under the supervision of qualified supervisors, as determined by the examining board.

(3) The examining board may waive the requirements of sub. (1) (c) to (e) if an applicant holds a certificate or license of an examining board of some other state or territory or foreign country or province, if the standards of such other examining board are deemed by the members of this examining board to be substantially equivalent to the standards of this state.

(4) An individual who, on May 31, 2021, held a valid private practice school psychologist license under s. 455.04 (4), 2019 stats., may continue to renew that license as provided in s. 455.06. The examining board may not grant any initial private practice school psychologist license on the basis of an application received on or after June 1, 2021.

(5) Applicants for licensure under this section may be required to appear before the examining board in person prior to licensure to allow the examining board to make such inquiry of them as to qualifications and other matters as it considers proper.

History: 1971 c. 213 s. 5; 1975 c. 198; 1977 c. 192; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 403; 1989 a. 243 ss. 6 to 9, 12, 13; 1995 a. 27 s. 9145 (1); 1995 a. 188; 1997 a. 27; 2007 a. 20 s. 9121 (6) (a); 2021 a. 22.

Cross-reference: See also ch. Psy 2, Wis. adm. code.

455.045 Examinations. (1) In order to qualify for a psychologist license under s. 455.04 (1), an applicant must have passed all of the following examinations:

(a) A written examination on the professional practice of psychology.

(b) A written examination on state law related to the practice of psychology.

(3) The examining board shall set passing scores for examinations under sub. (1) (a) or (b). The examining board may adopt passing scores recommended by test developers.

History: 1989 a. 243; 2021 a. 22.

Cross-reference: See also ch. Psy 2, Wis. adm. code.

455.06 Renewals. (1) (a) Except as provided in par. (b), the renewal dates for licenses issued under this subchapter or under s. 455.04 (4), 2019 stats., are specified under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

(b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual obtains a license under s. 455.04 (1) and may not be renewed, except that the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license issued under s. 455.04 (2) is not required to complete continuing education.

(2) An applicant for renewal of a license issued under this subchapter or under s. 455.04 (4), 2019 stats., shall include with his or her application proof in the form specified by the examining board that he or she has completed the hours of continuing education required under s. 455.065.

History: 1977 c. 29; 1979 c. 162; 1989 a. 243; 1991 a. 39; 1995 a. 188; 2007 a. 20; 2021 a. 22, 131.

Cross-reference: See also ch. Psy 4, Wis. adm. code.

455.065 Continuing education requirements. The examining board shall do all of the following:

(1) Promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The examining board may establish criteria for the substitution of hours of professional activities to meet continuing education requirements.

(4) Approve continuing education programs and courses in accordance with the criteria established under sub. (1).

(5) Promulgate rules establishing the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health services for some or all hours of continuing education credits required under sub. (1). The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health services.

(6) Grant a postponement of or waiver from the continuing education requirements under this section on the basis of prolonged illness or disability or on other grounds constituting extreme hardship. The examining board shall consider each application individually on its merits, and the examining board may grant a postponement, partial waiver, or total waiver of the requirement as the examining board deems appropriate.

(7) Grant an exemption from the continuing education requirements under this section to a psychologist who certifies to the examining board that he or she has permanently retired from the practice of psychology. A psychologist who has been granted an exemption under this subsection may not return to active practice without submitting evidence satisfactory to the examining board of having completed the required continuing education

credits within the 2-year period prior to the return to the practice of psychology.

History: 1989 a. 243; 1991 a. 39; 1993 a. 445; 1995 a. 27 s. 9126 (19); 1995 a. 188; 2007 a. 20 s. 9121 (6) (a); 2021 a. 22.

Cross-reference: See also ch. Psy 4, Wis. adm. code.

455.09 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may deny an application for a license, or may by order suspend for a period not exceeding one year, limit, revoke or impose probationary conditions upon a license, authority to practice interjurisdictional telepsychology, or temporary authorization to practice or reprimand a licensee or a holder of authority to practice interjurisdictional telepsychology or temporary authorization to practice if the applicant, licensee, or holder does any of the following:

- (a) Subject to ss. 111.321, 111.322 and 111.335, is a felon.
- (b) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of psychology or the private practice of school psychology while his or her ability to practice was impaired by alcohol or other drugs.
- (c) Impersonates another person holding a license under this subchapter or allows another person to use his or her license, E.Passport, interjurisdictional practice certificate, authority to practice interjurisdictional telepsychology, or temporary authorization to practice.
- (d) Uses fraud or deception in applying for a license under this subchapter, an E.Passport, or an interjurisdictional practice certificate.
- (e) Accepts a commission, rebate or other form of fee for referring persons to other professionals.
- (f) Engages in the willful, unauthorized communication of information received in professional confidence.
- (g) Violates this subchapter or any rule of professional conduct promulgated under this subchapter.
- (h) Is grossly negligent in the practice of his or her profession.

(2) A suspended license is subject to the requirements for renewal of the license under s. 440.08. The renewal of a suspended license does not entitle the licensee to any rights, privileges or authority conferred by the license while the license remains suspended.

(3) A revoked license may not be renewed. An individual may, no sooner than one year after the date of revocation, apply for reinstatement of a license under this subchapter. The examining board may accept or reject an application for reinstatement. If reinstatement is granted under this subsection, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee. This subsection does not apply to a license that is revoked under s. 440.12.

History: 1977 c. 125, 418; 1979 c. 162 s. 38 (7); 1981 c. 79 s. 17; 1981 c. 334 s. 25 (1); 1989 a. 243; 1991 a. 39; 1995 a. 188; 1997 a. 237; 2021 a. 22, 131.

Cross-reference: See also ch. Psy 5, Wis. adm. code.

Petitioner is not entitled to present expert evidence indicating he or she previously testified truthfully when denying misconduct under sub. (1) (g). *Davis v. Psychology Examining Board*, 146 Wis. 2d 595, 431 N.W.2d 730 (Ct. App. 1988).

Laches is not available in any proceeding brought by the state in its sovereign capacity to protect a public right. A disciplinary proceeding is brought by the state in its sovereign capacity to protect a right of the public—the right to have licensed psychologists comply with the requirements of their licenses. *Stein v. WI Psychology Examining Board*, 2003 WI App 147, 265 Wis. 2d 781, 668 N.W.2d 112, 02–2726.

Construing rules of professional conduct as applying to post-therapy conduct is necessary to effectuate the purpose of protecting the health, safety, or welfare of former clients. *Bar–Av v. Psychology Examining Board*, 2007 WI App 21, 299 Wis. 2d 387, 728 N.W.2d 722, 04–3251.

455.11 Penalty. Any person who violates this subchapter may be fined not more than \$200 or imprisoned not exceeding 6 months or both.

History: 2021 a. 131.

SUBCHAPTER II

PSYCHOLOGY INTERJURISDICTIONAL
COMPACT (PSYPACT)**455.50 Psychology interjurisdictional compact.**
(1) ARTICLE I — PURPOSE.

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

Whereas, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this compact does not apply when a psychologist is licensed in both the home and receiving states; and

Whereas, this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

(a) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(b) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(c) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(d) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(e) Promote compliance with the laws governing psychological practice in each compact state; and

(f) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

(2) ARTICLE II — DEFINITIONS. (a) "Adverse action" means: Any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(am) "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(b) "Authority to practice interjurisdictional telepsychology" means: a licensed psychologist's authority to practice telepsy-

chology, within the limits authorized under this compact, in another compact state.

(bm) “Bylaws” means: those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to sub. (10) for its governance, or for directing and controlling its actions and conduct.

(c) “Client/patient” means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

(cm) “Commissioner” means: the voting representative appointed by each state psychology regulatory authority pursuant to sub. (10).

(d) “Compact state” means: a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to sub. (13) (c) or been terminated pursuant to sub. (12) (b).

(dm) “Coordinated licensure information system” also referred to as “coordinated database” means: an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(e) “Confidentiality” means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

(em) “Day” means: any part of a day in which psychological work is performed.

(f) “Distant state” means: the compact state where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

(g) “E.Passport” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(gm) “Executive board” means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(h) “Home state” means: a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

(hm) “Identity history summary” means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

(i) “In-person, face-to-face” means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

(im) “Interjurisdictional practice certificate (IPC)” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one’s qualifications for such practice.

(j) “License” means: authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(jm) “Non-compact state” means: any state which is not at the time a compact state.

(k) “Psychologist” means: an individual licensed for the independent practice of psychology.

(km) “Psychology interjurisdictional compact commission” also referred to as “commission” means: the national administration of which all compact states are members.

(L) “Receiving state” means: a compact state where the client/patient is physically located when the telepsychological services are delivered.

(Lm) “Rule” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to sub. (11) that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule.

(m) “Significant investigatory information” means:

1. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

(mm) “State” means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.

(n) “State psychology regulatory authority” means: the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

(nm) “Telepsychology” means: the provision of psychological services using telecommunication technologies.

(o) “Temporary authorization to practice” means: a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

(om) “Temporary in-person, face-to-face practice” means: where a psychologist is physically present (not through the use of telecommunications technologies), in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

(3) ARTICLE III — HOME STATE LICENSURE. (a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(e) A home state’s license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

1. Currently requires the psychologist to hold an active E.Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation (FBI), or other designee with similar authority, no later than ten years after activation of the compact; and

5. Complies with the bylaws and rules of the commission.

(f) A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation (FBI), or other designee with similar authority, no later than ten years after activation of the compact; and

5. Complies with the bylaws and rules of the commission.

(4) ARTICLE IV — COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY. (a) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with sub. (3), to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(b) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. department of education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to subd. 1. a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

j. The program includes an acceptable residency as defined by the rules of the commission.

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. Have no history of adverse action that violate the rules of the commission;

5. Have no criminal record history reported on an identity history summary that violates the rules of the commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

(c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

(5) ARTICLE V — COMPACT TEMPORARY AUTHORIZATION TO PRACTICE. (a) Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with sub. (3), to practice temporarily in other compact states (distant states) in which the psychologist is not licensed, as provided in the compact.

(b) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. department of education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to subd. 1. a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services

(NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

j. The program includes an acceptable residency as defined by the rules of the commission.

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. No history of adverse action that violate the rules of the commission;

5. No criminal record history that violates the rules of the commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

(c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(d) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

(6) ARTICLE VI — CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regula-

tory authority, as defined in the rules of the commission, and under the following circumstances:

(a) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(b) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

(7) ARTICLE VII — ADVERSE ACTIONS. (a) A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

1. All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

3. Other actions may be imposed as determined by the rules promulgated by the commission.

(d) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

(e) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to par. (c).

(8) ARTICLE VIII — ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(a) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the

production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(b) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

(c) During the course of any investigation, a psychologist may not change his/her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

(9) ARTICLE IX — COORDINATED LICENSURE INFORMATION SYSTEM. (a) The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure, and the reasons for such denial; and
8. Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

(10) ARTICLE X — ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION. (a) The compact

states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The commission is a body politic and an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) *Membership, voting, and meetings.* 1. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

- a. Executive director, executive secretary or similar executive;
- b. Current member of the state psychology regulatory authority of a compact state; or
- c. Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

2. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each commissioner shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

4. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in sub. (6).

6. The commission may convene in a closed, non-public meeting if the commission must discuss:

- a. Non-compliance of a compact state with its obligations under the compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation against the commission;
- d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- e. Accusation against any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the commissioners, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the commission;
3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
7. Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;
8. The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;
9. The commission shall maintain its financial records in accordance with the bylaws; and
10. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(d) The commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;
2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;
4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;
5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
9. To establish a budget and make expenditures;
10. To borrow money;
11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
12. To provide and receive information from, and to cooperate with, law enforcement agencies;
13. To adopt and use an official seal; and
14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

(e) The executive board:

1. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.
 - 1m. The executive board shall be comprised of six members:
 - a. Five voting members who are elected from the current membership of the commission by the commission;
 - b. One ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
 2. The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
 3. The commission may remove any member of the executive board as provided in bylaws.
 4. The executive board shall meet at least annually.
 5. The executive board shall have the following duties and responsibilities:
 - a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;
 - b. Ensure compact administration services are appropriately provided, contractual or otherwise;
 - c. Prepare and recommend the budget;
 - d. Maintain financial records on behalf of the commission;
 - e. Monitor compact compliance of member states and provide compliance reports to the commission;
 - f. Establish additional committees as necessary; and
 - g. Other duties as provided in rules or bylaws.
- (f) *Financing of the commission.* 1. The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(g) *Qualified immunity, defense, and indemnification.* 1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(11) ARTICLE XI — RULEMAKING. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and

2. On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly appointed person in an association that has having at least twenty-five (25) members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this paragraph shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this paragraph.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior

notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this paragraph shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or compact state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(12) ARTICLE XII — OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. (a) *Oversight.* 1. The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) *Default, technical assistance, and termination.* 1. If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

- a. Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

4. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) *Dispute resolution.* 1. Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) *Enforcement.* 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(13) ARTICLE XIII — DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS. (a) The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same.

1. A compact state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state which does not conflict with the provisions of this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

(14) ARTICLE XIV — CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the consti-

455.50 PSYCHOLOGY

Updated 19–20 Wis. Stats. 12

tution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

History: 2021 a. 131; s. 35.17 correction in (4) (b) 1. a., b., (5) (b) 1. a., b., (10) (b) 1. b., (11) (a).

455.51 Implementation of the psychology interjurisdictional compact. (1) In this section:

(a) “Authority to practice interjurisdictional telepsychology” has the meaning given in s. 455.50 (2) (b).

(b) “Temporary authorization to practice” has the meaning given in s. 455.50 (2) (o).

(2) (a) 1. An individual who is exercising the temporary authorization to practice in this state shall comply with s. 440.03 (13) (am).

2. An individual who is practicing under the authority to practice interjurisdictional telepsychology shall comply with s. 440.03 (13) (am).

(b) 1. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising the temporary authorization to practice in this state in the same manner that they apply to holders of licenses issued under subch. I.

2. Subject to s. 455.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is practicing under the authority to practice interjurisdictional telepsychology in the same manner that they apply to holders of licenses issued under subch. I.


History: 2021 a. 131.

**Psychology Examining Board
Rule Projects (updated 12/14/2022)**

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 with 2019 Wisconsin Act 143.	Legislative Review	Legislature will review it once they are back in session in January 2023.
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.	Legislative Review	Legislature will review it once they are back in session in January 2023.


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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 01/18/2023 <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: 01/24/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relations Requests, and Reports – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>
10) Describe the issue and action that should be addressed: 1) ASPPB Mid-Year Meeting, Denver, CO – April 27 – April 30, 2023			
11) Authorization			
		01/18/2023	
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.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 12/14/2023 <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: 1/24/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Education and Examination Matters – Discussion and Consideration	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: 1) Wisconsin Jurisprudence Examination			
11) Authorization			
		12/14/2023	
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.			