



PSYCHOLOGY EXAMINING BOARD MEETING
Room 121A, 1400 East Washington Avenue, Madison, WI
Contact: Dan Williams (608) 266-2112
June 15, 2017

Notice: 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 description of the actions and deliberations of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Meeting Minutes of March 29, 2017 (3-7)**
- C. Administrative Matters Updates**
 - 1) Staff and Administrative Updates
 - 2) Board Members – Term Expiration Date
 - a. Rebecca Anderson – 7/1/2018
 - b. Marcus Desmonde – 7/1/2017
 - c. Christopher Gultch – 7/1/2018
 - d. Daniel Schroeder – 7/1/2019
 - e. Peter Sorce – 07/01/2020
 - f. David Thompson – 7/1/2018
- D. Legislation and Administrative Rule Matters – Discussion and Consideration (8-38)**
 - 1) LRB-0483 Relating to the Practice of Psychology in Wisconsin
 - 2) Update on Legislation and Pending or Possible Rulemaking Projects
- E. Public Comments**

ADJOURNMENT

The next scheduled meeting is August 23, 2017

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings

may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
March 29, 2017**

PRESENT: Rebecca Anderson, Ph.D.; Marcus Desmonde, Psy.D.; Daniel Schroeder, Ph.D.; Peter Sorce; David Thompson, Ph.D.

EXCUSED: Christopher Gultch

STAFF: Dan Williams – Executive Director; Sharon Henes – Administrative Rules Coordinator; Laura Smith, Bureau Assistant; and other Department Staff

CALL TO ORDER

Daniel Schroeder, Chair, called the meeting to order at 9:18 a.m. A quorum was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Item C(5)(c) Change Daniel Schroeder’s term expiration to 7/1/2019 (*reappointed, not yet confirmed*)
- Item C(5)(F) Replace “Vacant” with “Peter Sorce – 7/1/2020”
- Item C – remove “Updates”

MOTION: David Thompson moved, seconded by Rebecca Anderson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MEETING MINUTES

Amendments to the Minutes:

MOTION: Marcus Desmonde moved, seconded by Peter Sorce, to approve the minutes of November 29, 2016 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

ELECTION OF OFFICERS

Slate of Officers

NOMINATION: David Thompson nominated the 2016 slate of officers to continue in 2017.

Dan Williams called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2016 Slate of Officers was reelected to continue in 2017.

2017 OFFICER ELECTION RESULTS	
Board Chair	Daniel Schroeder, Ph.D.
Vice Chair	Marcus Desmonde, Psy.D.
Secretary	Rebecca Anderson, Ph.D.

Liaison Appointments and Delegated Authorities

2017 LIAISON APPOINTMENTS	
Credentialing Liaisons	Rebecca Anderson, Ph.D. Marcus Desmonde, Psy.D. Daniel Schroeder, Ph.D. David Thompson, Ph.D.
Professional Assistance Procedure (PAP) Liaison	Rebecca Anderson, Ph.D.
Monitoring Liaison	Rebecca Anderson, Ph.D.
Legislative Liaison	Daniel Schroeder, Ph.D.
Continuing Education Liaison	Marcus Desmonde, Psy.D.
Screening Panel Liaisons	Rebecca Anderson, Ph.D. David Thompson, Ph.D.

MOTION: Marcus Desmonde moved, seconded by David Thompson, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: David Thompson moved, seconded by Marcus Desmonde, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, to appoint liaisons to the Department to act where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: David Thompson moved, seconded by Peter Sorce that Board Counsel or another Department attorney is formally authorized to serve as the Board’s designee for purposes of Wis. Admin. Code SPS § 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Marcus Desmonde moved, seconded by Peter Sorce the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

Credentialing Authority Delegation

MOTION: David Thompson moved, seconded by Rebecca Anderson to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters. Motion carried unanimously.

MOTION: Marcus Desmonde moved, seconded by Peter Sorce to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

MOTION: Marcus Desmonde moved, seconded by David Thompson to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

Continuing Education Authority Delegation

MOTION: David Thompson moved, seconded by Rebecca Anderson to delegate authority to the Continuing Education Liaison(s) to address all issues related to continuing education. Motion carried unanimously.

Legislative Delegation

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to delegate authority to the Legislative Liaison(s) to address issues related to legislative matters. Motion carried unanimously.

CLOSED SESSION

MOTION: Thompson moved seconded by Sorce, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). The Chair read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rebecca Anderson-yes; Marcus Desmonde-yes; Daniel Schroeder-yes; Peter Sorce-yes; David Thompson-yes. Motion carried unanimously.

At this time, all external communication was terminated for purposes of moving into Closed Session.

The Board convened into Closed Session at 3:55 p.m.

RECONVENE TO OPEN SESSION

MOTION: Marcus Desmonde moved, seconded by Rebecca Anderson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:37 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: David Thompson moved, seconded by Marcus Desmonde, 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.)

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

15 PSY 019 (K.L.I.H.)

MOTION: Marcus Desmonde moved, seconded by Peter Sorce, to issue an Administrative Warning in the matter of DLSC case number 15 PSY 019 – K.L.I.H. Motion carried unanimously.

(Daniel. Schroeder recused himself and left the room for deliberation and voting in the matter of DLSC case number 15 PSY 019. Marcus Desmonde served as Chair in his absence.)

Proposed Stipulations, Final Decisions and Orders

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 PSY 005 – Gerald M. Roherty, Ph.D.
2. 15 PSY 032 – Sharon L. Schulman, Ph.D.
3. 16 PSY 015 – Amber Ebert, Ph.D.
4. 16 PSY 018 – Vincent Ramos, Ph.D.

Motion carried unanimously.

BOARD TRAINING REVIEW – PUBLIC RECORDS AND ETHICS AND LOBBYING

The Board reviewed training information relating to Public Records and Ethic and Lobbying requirements at this meeting.

ADJOURNMENT

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

The meeting adjourned at 4:40 p.m.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 455.01 (4), 455.01 (7), 455.07, 455.08 and 455.10; **to renumber**
2 **and amend** 455.01 (3), 455.03 and 455.11; **to amend** 15.405 (10m), 48.375 (2)
3 (c), 48.375 (4) (b) 1m., 49.45 (30f), 50.06 (4), 50.94 (8), 51.30 (1) (b), 51.42 (7) (a)
4 7., 54.01 (27), 146.34 (1) (i), 155.05 (2), 440.03 (11), 440.08 (2) (a) (intro.), 440.88
5 (3m), 455.01 (3m), 455.09 (1) (intro.), 455.09 (1) (b), 455.09 (1) (g), 455.09 (3),
6 895.441 (1) (b), 905.04 (1) (e), 940.22 (1) (c) and 971.16 (1) (b); **to repeal and**
7 **recreate** 455.01 (2), 455.01 (5), 455.01 (6), 455.02, 455.04, 455.045, 455.06,
8 455.065 and 455.09 (title); and **to create** 455.01 (1), 455.01 (1m), 455.01 (3r),
9 455.01 (5m), 455.025, 455.035, 455.09 (1) (i) and 455.095 of the statutes;
10 **relating to:** the practice of psychology, providing an exemption from
11 emergency rule procedures, granting rule-making authority, requiring the
12 exercise of rule-making authority, and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.405 (10m) of the statutes is amended to read:

2 15.405 **(10m)** PSYCHOLOGY EXAMINING BOARD. There is created in the
3 department of safety and professional services a psychology examining board
4 consisting of 6 members appointed for staggered 4-year terms. Four of the members
5 shall be psychologists licensed in this state. ~~Each of the~~ The psychologist members
6 shall ~~represent a different specialty area within the field of psychology~~ include at
7 least one health service psychologist and at least one applied consulting
8 psychologist. Two members shall be public members.

****NOTE: I made these changes as discussed to the composition of the board. OK?

9 **SECTION 2.** 48.375 (2) (c) of the statutes is amended to read:

10 48.375 **(2)** (c) "Counselor" means a physician including a physician specializing
11 in psychiatry, a licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch.
12 455, or an ordained member of the clergy. "Counselor" does not include any person
13 who is employed by or otherwise affiliated with a reproductive health care facility,
14 a family planning clinic, or a family planning agency; any person affiliated with the
15 performance of abortions, except abortions performed to save the life of the mother;
16 or any person who may profit from giving advice to seek an abortion.

17 **SECTION 3.** 48.375 (4) (b) 1m. of the statutes is amended to read:

18 48.375 **(4)** (b) 1m. A physician who specializes in psychiatry or a licensed
19 psychologist, ~~as defined in s. 455.01 (4)~~, licensed under ch. 455 states in writing that
20 the physician or psychologist believes, to the best of his or her professional judgment

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

8 **SECTION 4.** 49.45 (30f) of the statutes is amended to read:

9 49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
10 department shall include licensed mental health professionals, as defined in s.
11 632.89 (1) (dm), and licensed psychologists, ~~as defined in s. 455.01 (4)~~ licensed under
12 ch. 455, as providers of psychotherapy and of alcohol and other drug abuse services.
13 Except for services provided under sub. (30e), the department may not require that
14 licensed mental health professionals or licensed psychologists be supervised; may
15 not require that clinical psychotherapy or alcohol and other drug abuse services be
16 provided under a certified program; and, notwithstanding subs. (9) and (9m), may
17 not require that a physician or other health care provider first prescribe
18 psychotherapy or alcohol and other drug abuse services to be provided by a licensed
19 mental health professional or licensed psychologist before the professional or
20 psychologist may provide the services to the recipient. This subsection does not
21 affect the department's powers under ch. 50 or 51 to establish requirements for
22 facilities that are licensed, certified, or operated by the department.

23 **SECTION 5.** 50.06 (4) of the statutes is amended to read:

24 50.06 (4) A determination that an individual is incapacitated for purposes of
25 sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician

1 and one licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
2 personally examine the individual and sign a statement specifying that the
3 individual is incapacitated. Mere old age, eccentricity, or physical disability, either
4 singly or together, are insufficient to make a finding that an individual is
5 incapacitated. Neither of the individuals who make a finding that an individual is
6 incapacitated may be a relative, as defined in s. 242.01 (11), of the individual or have
7 knowledge that he or she is entitled to or has a claim on any portion of the individual's
8 estate. A copy of the statement shall be included in the individual's records in the
9 facility to which he or she is admitted.

10 **SECTION 6.** 50.94 (8) of the statutes is amended to read:

11 50.94 (8) A determination that a person is incapacitated may be made only by
12 2 physicians or by one physician and one licensed psychologist, ~~as defined in s. 455.01~~
13 ~~(4)~~, licensed under ch. 455 who personally examine the person and sign a statement
14 specifying that the person is incapacitated. Mere old age, eccentricity, or physical
15 disabilities, singly or together, are insufficient to determine that a person is
16 incapacitated. Whoever determines that the person is incapacitated may not be a
17 relative, as defined in s. 242.01 (11), of the person or have knowledge that he or she
18 is entitled to or has claim on any portion of the person's estate. A copy of the
19 statement shall be included in the records of the incapacitated person in the hospice
20 to which he or she is admitted.

21 **SECTION 7.** 51.30 (1) (b) of the statutes is amended to read:

22 51.30 (1) (b) "Treatment records" include the registration and all other records
23 that are created in the course of providing services to individuals for mental illness,
24 developmental disabilities, alcoholism, or drug dependence and that are maintained
25 by the department; by county departments under s. 51.42 or 51.437 and their staffs;

1 by treatment facilities; or by psychologists licensed under ~~s. 455.04 (1)~~ ch. 455 or
2 licensed mental health professionals who are not affiliated with a county department
3 or treatment facility. Treatment records do not include notes or records maintained
4 for personal use by an individual providing treatment services for the department,
5 a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or
6 records are not available to others.

7 **SECTION 8.** 51.42 (7) (a) 7. of the statutes is amended to read:

8 51.42 (7) (a) 7. Develop a program in consultation with the department of safety
9 and professional services to use voluntary, uncompensated services of licensed or
10 certified professionals to assist the department of health services in evaluating
11 community mental health programs in exchange for continuing education credits for
12 the professionals physicians under ~~ss. s. 448.40 (2) (e) and continuing professional~~
13 development credits for psychologists under s. 455.065 (5) (2) (b).

14 **SECTION 9.** 54.01 (27) of the statutes is amended to read:

15 54.01 (27) “Psychologist” means a licensed psychologist, ~~as defined in s. 455.01~~
16 (4) licensed under ch. 455.

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

18 146.34 (1) (i) “Psychologist” means a ~~person licensed to practice psychology~~
19 psychologist licensed under ch. 455.

20 **SECTION 11.** 155.05 (2) of the statutes is amended to read:

21 155.05 (2) Unless otherwise specified in the power of attorney for health care
22 instrument, an individual’s power of attorney for health care takes effect upon a
23 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and
24 one licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
25 personally examine the principal and sign a statement specifying that the principal

1 has incapacity. Mere old age, eccentricity, or physical disability, either singly or
2 together, are insufficient to make a finding of incapacity. Neither of the individuals
3 who make a finding of incapacity may be a relative of the principal or have knowledge
4 that he or she is entitled to or has a claim on any portion of the principal's estate.
5 A copy of the statement, if made, shall be appended to the power of attorney for health
6 care instrument.

7 **SECTION 12.** 440.03 (11) of the statutes is amended to read:

8 440.03 (11) The department shall cooperate with the department of health
9 services to develop a program to use voluntary, uncompensated services of licensed
10 or certified professionals to assist the department of health services in the evaluation
11 of community mental health programs in exchange for continuing education credits
12 for the professionals physicians under ss. s. 448.40 (2) (e) and continuing professional
13 development credits for psychologists under s. 455.065 (5) (2) (b).

14 **SECTION 13.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

15 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
16 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (d), 455.06 (1) (b), 463.10,
17 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
18 follows:

19 **SECTION 14.** 440.88 (3m) of the statutes is amended to read:

20 440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined
21 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), or a licensed
22 psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who practices as a
23 substance abuse clinical supervisor or provides substance abuse counseling,
24 treatment, or prevention services within the scope of his or her licensure.

25 **SECTION 15.** 455.01 (1) of the statutes is created to read:

1 455.01 (1) “Applied consulting psychologist” means a psychologist who
2 provides services outside of the health and behavioral health fields for the purpose
3 of enhancing individual or organizational effectiveness, including providing direct
4 services to individuals and groups for assessment and evaluation of a person’s
5 abilities and characteristics for individual development or behavior change or for
6 making decisions about an individual and providing services to organizations for the
7 benefit of the organization that do not involve providing direct health services to
8 individuals.

9 **SECTION 16.** 455.01 (1m) of the statutes is created to read:

10 455.01 (1m) “Direct health service” means activities a psychologist performs
11 that are directly related to providing psychological services to a patient, including
12 note and report writing, studying test results, case consultation, and reviewing
13 published works relevant to the patient’s or client’s needs.

14 **SECTION 17.** 455.01 (2) of the statutes is repealed and recreated to read:

15 455.01 (2) “Doctoral degree in psychology” means a doctoral degree, designated
16 as an Ed.D., Psy.D., or Ph.D., that is obtained through a doctoral psychology training
17 program offered in a regionally accredited institution in the United States, an
18 institution with provincial or territorial authorization in Canada, or, in other
19 countries, an institution that is accredited by an accrediting agency or organization.

***NOTE: Just to confirm - does this definition work for foreign graduates (i.e., do
schools in foreign countries grant an Ed.D., Psy.D., or Ph.D.)?

20 **SECTION 18.** 455.01 (3) of the statutes is renumbered 455.01 (1c) and amended
21 to read:

22 455.01 (1c) “~~Examining board~~” “Board” means the psychology examining
23 board.

1 **SECTION 19.** 455.01 (3m) of the statutes is amended to read:

2 455.01 **(3m)** “Fee” “Fee,” when used other than in reference to a fee for a
3 credential, means direct or indirect payment or compensation, monetary or
4 otherwise, including the expectation of payment or compensation whether or not
5 actually received.

6 **SECTION 20.** 455.01 (3r) of the statutes is created to read:

7 455.01 **(3r)** “Health service psychologist” means a psychologist who provides
8 services within the health and behavioral health fields, including the delivery of
9 direct and indirect preventive, diagnostic, assessment, therapeutic intervention,
10 and health promoting services to patients or clients.

****NOTE: Do you want to keep the reference here to “clients”?

11 **SECTION 21.** 455.01 (4) of the statutes is repealed.

12 **SECTION 22.** 455.01 (5) of the statutes is repealed and recreated to read:

13 455.01 **(5)** (a) “Practice of psychology” means the observation, description,
14 evaluation, interpretation, prediction, and modification of human behavior by the
15 application of psychological principles, methods, and procedures for any of the
16 following purposes:

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

20 2. Evaluating, assessing, or facilitating the enhancement of individual, group,
21 or organizational effectiveness.

22 3. Assisting in legal decision making by applying psychological knowledge to
23 legal matters.

24 (b) “Practice of psychology” includes all of the following:

1 1. Psychological testing and the evaluation or assessment of a person's
2 characteristics such as intelligence; personality; cognitive, physical, or emotional
3 abilities; skills; interests; aptitudes; and neuropsychological functioning.

4 2. Psychotherapy and counseling; hypnosis; biofeedback; behavior therapy;
5 applied behavior analysis; and other empirically supported psychotherapeutic
6 procedures.

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

10 4. Psychoeducational evaluation, therapy, and remediation.

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

****NOTE: Do you want to keep the reference here to "clients"?

14 6. Enhancing individual, group, and organizational effectiveness through the
15 provision of services using psychological principles, methods, or procedures.

16 7. The provision of services to organizations that are provided for the benefit
17 of the organizations, including job analysis, attitude or opinion surveys, selection
18 assessment, group administration of standardized tests, selection validation
19 studies, designing performance appraisal systems, employee training and
20 development, organizational design, advising management on human behavior in
21 organizations, organizational assessment, evaluation and consultation regarding
22 organizational problems, and other related services.

23 8. The supervision of anything specified in subds. 1. to 7.

1 (c) "Practice of psychology" has the meaning specified in pars. (a) and (b)
2 regardless of whether payment is received for services rendered or if the practice is
3 conducted in person or via electronic means.

4 **SECTION 23.** 455.01 (5m) of the statutes is created to read:

5 455.01 (5m) "Psychological services" means services constituting the practice
6 of psychology that are performed in any setting, including in a business,
7 organizational, health care, legal, or mental health care setting.

8 **SECTION 24.** 455.01 (6) of the statutes is repealed and recreated to read:

9 455.01 (6) "Psychotherapy and counseling" means the diagnosis and treatment
10 of mental, emotional, or behavioral disorders, conditions, or addictions through the
11 application of methods derived from established psychological or systemic
12 principles, including for the purpose of assisting individuals with modifying their
13 behaviors, cognitions, emotions, and personality characteristics, or for the purpose
14 of understanding unconscious processes or intrapersonal, interpersonal, or
15 psychosocial dynamics.

16 **SECTION 25.** 455.01 (7) of the statutes is repealed.

17 **SECTION 26.** 455.02 of the statutes is repealed and recreated to read:

18 **455.02 License required to practice; use of titles. (1)** (a) *Practice of*
19 *psychology.* Except as provided in sub. (2) and s. 257.03, no individual may engage
20 in or attempt to engage in the practice of psychology or make a representation as
21 authorized to engage in the practice of psychology without a valid license issued
22 under this chapter.

23 (b) *Use of titles generally.* Except as provided in sub. (2) and s. 257.03, no
24 individual may do any of the following:

1 1. Use the title “psychologist” or any similar title without a license issued under
2 this chapter.

3 2. Represent himself or herself to the public by any description of services
4 incorporating the word “psychology,” the word “psychological,” or any similar word,
5 alone or in combination with the words or phrases “industrial/organizational,”
6 “applied,” “clinical,” “counseling,” “consulting,” “interim,” or “health service,”
7 without a license issued under this chapter.

8 3. State or imply that he or she is licensed to practice psychology without a valid
9 license issued under this chapter.

10 (c) *Health service psychologist*. Except as provided in sub. (2), no individual
11 may use the title “health service psychologist” or state or imply that he or she is a
12 licensed health service psychologist without a valid license and health service
13 psychologist endorsement issued under s. 455.035 (1) or a valid license issued under
14 s. 455.035 (2).

15 (d) *Applied consulting psychologist*. Except as provided in sub. (2), no
16 individual may use the title “applied consulting psychologist” or state or imply that
17 he or she is a licensed applied consulting psychologist without a valid license and
18 applied consulting psychologist endorsement issued under s. 455.035 (1).

19 **(2)** (a) *Occupational exemptions*. Subsection (1) (a) does not apply to any of the
20 following:

21 1. An individual lawfully practicing within the scope of a license, permit,
22 registration, certificate, or certification granted by this state.

23 2. An individual pursuing a course of study leading to a graduate degree in
24 medicine, social work, marriage and family therapy, or professional counseling at an
25 accredited college or university while working in a training program, if the person’s

1 activities and services constitute a part of his or her supervised course of study and
2 the person is designated by a title that clearly indicates the training status
3 appropriate to the person's level of training.

4 3. An individual credentialed by the department of public instruction to provide
5 counseling services, if the person is performing activities that are a part of the duties
6 for which he or she is employed, is performing those activities solely within the
7 confines of or under the jurisdiction of the school district by which he or she is
8 employed, and does not render or offer to render psychological services to the public
9 for a fee over and above the salary that he or she receives for the performance of the
10 official duties with the school district by which he or she is employed.

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

19 5. An individual coordinating or participating in the activities of a nonprofit
20 peer support group, if the person performs those activities solely within the confines
21 of the peer support group and does not render or offer to render psychological services
22 to any member of the public for a fee.

23 (b) *Psychologist employed by federal government.* Subsection (1) (a) and (b) and
24 sub. (1) (c) or (d), as appropriate, do not apply to an individual providing

1 psychological services as an employee of a federal governmental agency if all of the
2 following apply:

3 1. The person is providing the psychological services as a part of the duties for
4 which he or she is employed by the employing agency.

5 2. The person is providing the psychological services solely within the confines
6 of or under the jurisdiction of the employing agency.

7 3. The person does not provide or offer to provide psychological services to
8 residents of this state for a fee over and above the salary that he or she receives for
9 the performance of the official duties with the employing agency.

10 (c) *Psychological associate*. 1. Subsection (1) (a) does not apply to an individual
11 providing psychological health services as an employee of a state governmental
12 agency under the supervision of a licensed psychologist if all of the following apply:

13 a. The person provides the psychological health services as a part of the duties
14 for which the person is employed.

15 b. The person provides the psychological services solely within the confines of
16 or under the jurisdiction of the employing agency.

17 c. The person does not provide or offer to provide psychological services to the
18 public for a fee over and above the salary that the person receives for the performance
19 of the official duties with the employing agency.

20 d. The person has received a master's degree in an appropriate recognized field
21 of psychology from an institution accredited by an accrediting agency or organization
22 recognized by the U.S. secretary of education.

****NOTE: Can you just review this exemption again? It switches between the terms
"psychological health services" and then "psychological services." (And "psychological
health services" is not defined in the bill, though "direct health service" is.)

1 2. An individual who qualifies for the exemption under subd. 1. may use the
2 title “psychological associate.”

3 (d) *Psychology student, intern, or resident.* 1. An individual providing
4 psychological services as part of a psychology training program that qualifies under
5 s. 455.04 (1g) (a) or (1m) (a) may engage in the practice of psychology under the
6 supervision of a psychologist licensed under this chapter.

7 2. An individual who qualifies for the exemption under subd. 1. may use the
8 title “psychology student,” “psychology intern,” or “psychology resident” if the person
9 does not provide or offer to provide psychological services to the public for a fee over
10 and above any salary that he or she may receive for the performance of the official
11 duties with the employing agency or organization.

12 (e) *Psychology fellow.* 1. In this paragraph, “psychology fellow” means an
13 individual providing psychological services under the supervision of a psychologist
14 licensed under this chapter as part of a formal psychology fellowship program that
15 meets the program standards of the Association of Psychology Postdoctoral and
16 Internship Centers or its successor organization.

17 2. A psychology fellow may engage in the practice of psychology and may use
18 the title “psychology fellow” while working to meet postgraduate requirements for
19 licensure or similar requirements in another jurisdiction.

20 (f) *Associate psychologist.* 1. In this paragraph, “associate psychologist” means
21 an individual holding a doctoral degree in psychology who provides psychological
22 services under the supervision of a psychologist licensed under this chapter while
23 working to meet postgraduate requirements for licensure and who does not hold an
24 interim license issued under s. 455.035 (2).

1 2. An associate psychologist may engage in the practice of psychology and may
2 use the title “associate psychologist” while working to meet postgraduate
3 requirements for licensure or similar requirements in another jurisdiction.

4 (g) *Psychology professor or academic psychologist.* 1. An individual with a
5 doctoral degree in psychology who is employed by a recognized school, college,
6 university, research laboratory, or governmental agency may do any of the following:

7 a. Use the title “psychology professor” or “academic psychologist,” or a
8 reasonable variant thereof.

9 b. Teach the practice of psychology, conduct psychological research, present
10 lectures on the practice of psychology, or perform any consultation required by his
11 or her academic or research functions.

12 c. Utilize or represent himself or herself by the academic or research title
13 conferred upon him or her by the administration of the laboratory, school, college,
14 university, or governmental agency.

15 d. Provide expert testimony in court related to his or her field of expertise.

16 2. Subdivision 1. a. to d. does not permit an individual described in subd. 1.
17 (intro.) to engage in the practice of psychology in violation of sub. (1) (a).

18 (h) *School psychologists.* 1. An individual credentialed by the department of
19 public instruction to provide psychological services in school settings may provide
20 those services if he or she uses a title that includes the word “school.” Such an
21 individual may provide the psychological services only within the confines of or
22 under the jurisdiction of his or her employing agency and may not provide or offer
23 to provide psychological services to the public for a fee over and above the salary that
24 he or she receives for the performance of his or her official duties with the employing
25 agency.

1 2. An individual who holds a valid private practice school psychologist license
2 issued under s. 455.04 (4), 2015 stats., may engage in the private practice of school
3 psychology and may use the title “private practice school psychologist.”

****NOTE: Please review this.

4 (j) *Armed services personnel*. Subsection (1) (a) and (b) and sub. (1) (c) or (d),
5 as appropriate, do not apply with respect to the performance of official duties by
6 personnel of any of the armed services or federal health services of the United States.

7 (k) *Employment counseling and testing*. Subsection (1) (a) does not apply with
8 respect to a person whose activities are limited to employment counseling or testing
9 for other than therapeutic purposes.

****NOTE: This exemption is added based upon current law, but do you want to
further narrow it?

10 (L) *Testimony in court*. Subsection (1) (a) and (b) and sub. (1) (c) or (d), as
11 appropriate, do not apply with respect to an individual whose activities are limited
12 to testifying in a court in this state regarding services rendered in another state.

****NOTE: Please review the wording of this exemption. I included both a title and
practice exemption, but wasn't sure whether both were necessary.

13 (m) *Exemptions by board*. The board may promulgate rules to establish one or
14 more additional exemptions from sub. (1) if they are determined by the board to be
15 consistent with national practice standards.

****NOTE: I made some minor changes here, OK?

16 **SECTION 27.** 455.025 of the statutes is created to read:

17 **455.025 Practice of medicine and surgery.** Nothing in this chapter shall
18 be construed to authorize a psychologist to engage in the practice of medicine and
19 surgery.

20 **SECTION 28.** 455.03 of the statutes is renumbered 455.02 (2) (i) and amended
21 to read:

1 455.02 (2) (i) *Temporary practice.* ~~A Subsection (1) (a) and (b) and sub. (1) (c)~~
2 ~~or (d), as appropriate, do not apply to a psychologist who is licensed or certified by~~
3 ~~a similar examining board of another state or territory of the United States or of a~~
4 ~~foreign country or a Canadian province whose standards, in the opinion of the~~
5 ~~examining board, are equivalent to or higher than the requirements for licensure as~~
6 ~~a psychologist in s. 455.04 (1) may offer who provides psychological services as a~~
7 ~~psychologist in this state for not more than 60 working days in any year without~~
8 ~~holding a license issued under s. 455.04 (1). The psychologist shall report to the~~
9 ~~examining board the nature and extent of his or her practice in this state if it exceeds~~
10 ~~20 working days within a year. A psychologist provides psychological services in this~~
11 ~~state for purposes of this paragraph whenever the patient or client is located in this~~
12 ~~state, regardless of whether the psychologist is temporarily located in this state or~~
13 ~~is providing services by electronic or telephonic means from the state where the~~
14 ~~psychologist is licensed. The exemption under this paragraph may be withdrawn at~~
15 ~~any time by the board upon evidence of a violation of statutes or rules.~~

***NOTE: I made some minor changes here, OK?

16 **SECTION 29.** 455.035 of the statutes is created to read:

17 **455.035 Licensure of psychologists. (1) PSYCHOLOGIST LICENSE.** (a) The
18 board shall grant a psychologist license to an applicant who satisfies all of the
19 following:

- 20 1. The general requirements under s. 455.04 (1).
- 21 2. One of the following:
 - 22 a. The requirements under s. 455.04 (1g).
 - 23 b. The requirements under s. 455.04 (1m).

1 (am) The board shall grant a psychologist license to an applicant who holds a
2 similar license in another state or territory of the United States, if the board
3 determines that the requirements for obtaining the license in the other state or
4 territory are substantially equivalent to the requirements under par. (a) 2. a. or b.
5 and the applicant satisfies all of the following:

6 1. The general requirements under s. 455.04 (1).

7 2. The applicant has passed any examinations required under s. 455.045 (1) (b).

****NOTE: Is this language OK with respect to reciprocal licenses? They would have
to satisfy our "general requirements" and pass the Wisconsin test, but otherwise would
be able to get a license if the other state's requirements are substantially equivalent.

8 (b) 1. The board shall also grant an applicant who receives a license under par.
9 (a) or (am) one or both of the following:

10 a. A health service psychologist endorsement, if the applicant qualifies for a
11 license under or based upon the application of par. (a) 2. a.

12 b. An applied consulting psychologist endorsement, if the applicant qualifies
13 for a license under or based upon the application of par. (a) 2. b.

14 2. a. An endorsement granted under subd. 1. a. or b. shall not be considered a
15 separate credential for purposes of subch. I of ch. 440.

16 b. No separate fee may be charged for an endorsement granted under subd. 1.
17 a. or b.

****NOTE: Please review this "endorsement" language I came up with.

18 3. The board may promulgate rules to allow an individual licensed under par.
19 (a) who has completed a respecialization program that satisfies criteria established
20 by the board to apply to the board to obtain an additional endorsement under subd.
21 1. a. or b. The rules may require the payment of a fee to the department in order to
22 obtain the additional endorsement.

***NOTE: Does this suffice? Should this say anything more?

1 **(2) INTERIM PSYCHOLOGIST LICENSE.** The board shall grant an interim
2 psychologist license to an applicant who satisfies the requirements for a license
3 under sub. (1) (a) 1. and 2. a., other than the requirement under s. 455.04 (1g) (b).
4 An individual licensed under this subsection may provide psychological services only
5 under the supervision of qualified supervisors, as determined by the board.

***NOTE: Is this language OK? Would the board need authority to do rules to set
supervisor standards here or will this language suffice?

6 **(3) PREVIOUSLY LICENSED INDIVIDUALS; ENDORSEMENTS.** An individual licensed as
7 a psychologist under s. 455.04, 2015 stats., shall be considered to have been licensed
8 under sub. (1) (a) and shall, in accordance with criteria established by the board, be
9 granted either a health service psychologist endorsement under sub. (1) (b) 1. a. or
10 an applied consulting psychologist endorsement under sub. (1) (b) 1. b., or both.

11 **(4) PREVIOUSLY UNLICENSED INDIVIDUALS.** (a) Notwithstanding the requirements
12 for a psychologist license under sub. (1), the board shall, subject to par. (b), grant a
13 psychologist license under sub. (1) (a) and an applied consulting psychologist
14 endorsement under sub. (1) (b) 1. b. to an applicant to whom all of the following apply:

- 15 1. The applicant satisfies the general requirements under s. 455.04 (1).
- 16 2. The applicant possesses a doctorate degree in psychology granted by a
17 regionally accredited institution in the United States, an institution with provincial
18 or territorial authorization in Canada, or, in other countries, an institution that is
19 accredited by an accrediting agency or organization.
- 20 3. The applicant provides evidence deemed satisfactory to the board of at least
21 3 years of practice as an applied consulting psychologist.

***NOTE: Please review this “grandfathering” provision for I/O psychologists.

1 (b) No license may be issued under this subsection after the date that is 5 years
2 after the effective date of this subsection [LRB inserts date].

****NOTE: Do we want to say they don't have to be licensed before these 5 years are
up?

3 (5) PRIVATE PRACTICE SCHOOL PSYCHOLOGISTS. An individual who, on the day
4 before the effective date of this subsection [LRB inserts date], held a valid private
5 practice school psychologist license issued under under s. 455.04 (4), 2015 stats., may
6 continue to renew that license as provided in s. 455.06. The board may not issue any
7 initial private practice school psychologist license after that date.

8 SECTION 30. 455.04 of the statutes is repealed and recreated to read:

9 455.04 Requirements for licensure. (1) GENERAL REQUIREMENTS. An
10 applicant for any license under this chapter must satisfy all of the following
11 requirements:

12 (a) The applicant is at least 18 years of age.

13 (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an
14 arrest or conviction record.

15 (bm) The applicant pays the fee determined by the department under s. 440.03

16 (9) (a).

17 (c) The applicant is found competent by the board to engage in the practice of
18 psychology in an examination under s. 455.045 (3), if required by the board.

19 (d) The applicant is found capable of practicing in an examination under s.
20 455.095, if required by the board.

21 (1g) HEALTH SERVICE PSYCHOLOGIST LICENSE REQUIREMENTS. An applicant for a
22 psychologist license under this chapter with a health service psychologist

1 endorsement must satisfy all of the following requirements in addition to satisfying
2 the requirements under sub. (1):

3 (a) The applicant provides evidence satisfactory to the board of having satisfied
4 one of the following requirements:

5 1. Graduation from a psychology training program that is accredited by the
6 American Psychological Association or the Canadian Psychological Association and
7 satisfies the requirements under sub. (6).

8 2. Graduation from a psychology training program that satisfies the
9 requirements under subs. (6) and (7).

10 3. If the applicant earned a doctoral degree in psychology from an institution
11 outside of the United States or Canada, graduation from a psychology training
12 program that satisfies requirements established by the board by rule.

****NOTE: Is this language OK with respect to international graduates? They would also have to complete the supervised experience, the EPPP, and the Wisconsin exam, as well as the general licensure requirements. I think it works, but please confirm.

13 (b) The applicant provides evidence to the board of having completed a
14 postdoctoral supervised experience that is completed after the awarding of the
15 doctoral degree in psychology and that satisfies requirements established by the
16 board by rule.

17 (c) The applicant provides evidence of having passed any examinations
18 required under s. 455.045 (1) (a).

19 (d) The applicant has passed any examinations required under s. 455.045 (1)
20 (b).

21 **(1m)** APPLIED CONSULTING PSYCHOLOGIST LICENSE REQUIREMENTS. An applicant
22 for a psychologist license under this chapter with an applied consulting psychologist

1 endorsement must satisfy all of the following requirements in addition to satisfying
2 the requirements under sub. (1):

3 (a) The applicant provides evidence satisfactory to the board of having
4 graduated from a psychology training program that satisfies the requirements under
5 subs. (6) and (7m).

6 (b) The applicant provides evidence to the board of having completed a
7 supervised experience. A supervised experience described under this paragraph
8 must be completed after the coursework required for the doctoral degree in
9 psychology, but may be completed before the awarding of the doctoral degree in
10 psychology. The supervised experience must also satisfy requirements established
11 by the board by rule.

12 (c) The applicant provides evidence of having passed any examinations
13 required under s. 455.045 (1) (a).

14 (d) The applicant has passed any examinations required under s. 455.045 (1)
15 (b).

16 **(6) GENERAL REQUIREMENTS FOR PSYCHOLOGY TRAINING PROGRAMS.** (a) For
17 purposes of subs. (1g) (a) 1. and 2. and (1m) (a), a psychology training program must
18 satisfy all of the following requirements, as determined by the board:

19 1. The program, regardless of where it is administratively housed, is clearly
20 identified and labeled as a psychology program, and is specified in institutional
21 catalogues and brochures as being intended to educate and train professional
22 psychologists.

23 2. The program offers a doctoral degree in psychology.

24 3. The program is a recognizable, coherent organizational entity within the
25 institution.

1 4. There is a clear authority and primary responsibility for the core and
2 specialty areas.

3 5. The program offers an integrated and organized sequence of study.

4 6. The program has an identifiable psychology faculty that is sufficient in size
5 and breadth to carry out its responsibilities, including a psychologist who is
6 responsible for the program.

7 7. The program has an identifiable body of students who are matriculated in
8 the program in order to earn a doctoral degree in psychology.

9 8. The curriculum includes a minimum of 3 academic years of full-time
10 graduate study.

11 9. Of the 3 years described under subd. 8., the program requires at least one
12 continuous year of physical presence at the institution for face-to-face instruction
13 in topic areas requiring such instruction including psychodiagnostic assessment,
14 psychotherapy, and psychological testing.

15 10. The program does not use video teleconferencing or other electronic means
16 as a substitute for physical presence at the institution in order to meet the
17 requirement under subd. 9.

18 (b) 1. In this paragraph, "distance education" means a formal educational
19 process in which instruction occurs when the student and faculty are not in the same
20 physical location and that, as a result, requires special course design, instructional
21 techniques, and methods of communication.

22 2. A psychology training program may include distance education in topic areas
23 conducive to distance education for courses that do not require face-to-face
24 instruction and supervision, including, for example, history and systems,
25 personality theory, and statistics.

***NOTE: Let me know if we can further cut down on any of the detail here that is unrelated to distance education.

1 **(7)** REQUIREMENTS FOR HEALTH SERVICE PSYCHOLOGIST TRAINING PROGRAMS. For
2 purposes of sub. (1g) (a) 2., a psychology training program must satisfy all of the
3 following requirements, as determined by the board:

4 (a) The program includes practical training consisting of a practicum, an
5 internship or residency, and other training appropriate to the practice of psychology
6 that is supervised by qualified supervisors. The board may promulgate rules
7 establishing requirements for an internship or residency described under this
8 paragraph.

9 (b) The program has a curriculum that includes content in areas determined
10 by the board to be relevant or essential to the practice of a health service psychologist.
11 The board shall promulgate rules establishing the required content areas under this
12 paragraph. In promulgating rules under this paragraph, the board shall take
13 consideration of any relevant national standards.

14 **(7m)** REQUIREMENTS FOR APPLIED CONSULTING PSYCHOLOGIST TRAINING PROGRAMS.

15 (a) For purposes of sub. (1m) (a), a psychology training program must satisfy all of
16 the following requirements, as determined by the board:

17 1. The program includes practical training consisting of a practicum, action
18 research, or applied research and field or laboratory training, as appropriate to the
19 practice of applied psychology, that is supervised by qualified supervisors.

20 2. The core program requires every student to demonstrate competence in
21 areas determined by the board to be relevant or essential to the practice of an applied
22 consulting psychologist. The board shall promulgate rules establishing the required

1 content areas under this subdivision. In promulgating rules under this subdivision,
2 the board shall take consideration of any relevant national standards.

3 (b) The board may prescribe criteria or a method for determining whether a
4 psychology training program meets the requirement under par. (a) 2.

5 **SECTION 31.** 455.045 of the statutes is repealed and recreated to read:

6 **455.045 Examinations.** (1) In order to qualify for a license under s. 455.035
7 (1) or (2), an individual must pass the following examinations:

8 (a) One or more examinations selected by the board related to the professional
9 practice of psychology.

10 (b) Examinations developed by the board that test knowledge of state law
11 relating to the practice of health service or applied consulting psychology.

12 (2) The board shall promulgate rules to set passing scores on examinations
13 under sub. (1) (a) and (b). The board may, for the examination under sub. (1) (a),
14 adopt passing scores using guidelines recommended by the test developers.

15 (3) The board may require that an applicant submit to an oral or in-person
16 examination to determine the applicant's competence to engage in the practice of
17 psychology.

18 **SECTION 32.** 455.06 of the statutes is repealed and recreated to read:

19 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
20 licenses issued under this chapter or under s. 455.04 (4), 2015 stats., are specified
21 under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the
22 department under s. 440.03 (9) (a).

23 (b) A license issued under s. 455.035 (2) is valid for 2 years or until the
24 individual obtains a license under s. 455.035 (1) and may not be renewed, except that
25 the board may promulgate rules specifying circumstances in which the board, in

1 cases of hardship, may allow an individual to renew a license issued under s. 455.035
2 (2).

3 (2) An applicant for renewal of a license issued under s. 455.035 (1) shall
4 include with his or her application proof of completion of the hours of continuing
5 professional development required under s. 455.065.

6 **SECTION 33.** 455.065 of the statutes is repealed and recreated to read:

7 **455.065 Continuing professional development.** (1) CONTINUING
8 PROFESSIONAL DEVELOPMENT REQUIREMENTS; EXCEPTIONS. (a) To be eligible for renewal
9 of a license issued under s. 455.035 (1), a licensee shall, during the 2-year period
10 immediately preceding his or her renewal date, complete not less than 40 credit
11 hours of qualifying continuing professional development, except as provided in pars.
12 (b) to (e).

13 (b) In the case of a late renewal, the board may grant permission to apply credit
14 hours of continuing professional development completed after the renewal date by
15 which the license was not renewed to a previous 2-year licensure period during
16 which required continuing professional development was not completed, but in no
17 case may credit hours be applied to more than one 2-year licensure period.

18 (c) A licensee may, prior to his or her renewal date, apply to the board for a
19 postponement of or waiver from the requirement to complete the credit hours of
20 continuing professional development under this subsection on the grounds of
21 prolonged illness or disability or on other grounds constituting extreme hardship.
22 The board shall consider each application individually on its merits, and the board
23 may grant a postponement, partial waiver, or total waiver of the requirement as the
24 board deems appropriate.

1 (d) The board may grant an exemption from the requirement to complete the
2 credit hours of continuing professional development under this subsection to a
3 licensee who certifies to the board that the licensee has permanently retired from the
4 practice of psychology. A licensee who has been granted an exemption under this
5 paragraph may not return to active practice without submitting evidence
6 satisfactory to the board of having completed 40 credit hours of continuing
7 professional development obtained within the 2-year period prior to the return to the
8 practice of psychology.

9 (e) The requirement under par. (a) does not apply to an applicant for renewal
10 of a license that expires on the first renewal date after the date on which the board
11 initially granted the license.

12 **(2) BOARD TO PROMULGATE RULES.** The board shall promulgate rules to
13 implement this section. In promulgating rules under this section, the board may do
14 any of the following:

15 (a) Establish criteria for approving continuing professional development
16 programs and courses and criteria for approving the sponsors and cosponsors of
17 those programs and courses. The board shall identify approved continuing
18 professional development programs and courses in accordance with those criteria.

19 (b) Establish criteria for the substitution of hours of professional activities, as
20 determined by the board, for some or all hours of continuing professional
21 development required under this section. Eligible substitution hours shall include
22 hours involved with the evaluation of community programs for the certification and
23 recertification of community mental health programs in accordance with the
24 program developed by the department of health services under s. 51.42 (7) (a) 7.

1 (c) Identify the amount of credit that an applicant may receive for particular
2 types of continuing professional development programs or courses or for particular
3 types of professional activities. The board may allow additional credit to be received
4 for teaching or presenting.

5 (d) Require that a minimum number of hours of continuing professional
6 development be in one or more topic areas.

7 (e) The forms of proof that must be retained under sub. (3) (a).

8 **(3) RECORDS AND AUDITS.** (a) A licensee shall retain for a minimum period of
9 6 years and shall make available to the board or its agent upon request proof that
10 the applicant completed the hours of continuing professional development required
11 under this section.

12 (b) The board may conduct a random audit of licensees on a biennial basis for
13 compliance with continuing professional development requirements under this
14 section. The board may also conduct such an audit on any licensee under
15 investigation by the board.

16 **SECTION 34.** 455.07 of the statutes is repealed.

17 **SECTION 35.** 455.08 of the statutes is repealed.

****NOTE: I recall the department stating that it was confusing to have both the
concept of "professional conduct" as well as a "code of conduct" and that the board has
broad authority to establish a code of professional conduct under s. 15.08 (5) (b).
Therefore, the material here was largely redundant. If there is something we need to
preserve, let me know.

18 **SECTION 36.** 455.09 (title) of the statutes is repealed and recreated to read:

19 **455.09 (title) Disciplinary proceedings and actions.**

20 **SECTION 37.** 455.09 (1) (intro.) of the statutes is amended to read:

21 455.09 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
22 examining board may deny an application for a license, or may by order suspend for

1 a period not exceeding one year, limit, ~~or~~ revoke ~~or impose probationary conditions~~
2 ~~upon~~ a license or reprimand a licensee if the applicant or licensee:

3 **SECTION 38.** 455.09 (1) (b) of the statutes is amended to read:

4 455.09 (1) (b) Subject to ss. 111.321, 111.322, and 111.34, engaged engages in
5 the practice of psychology ~~or the private practice of school psychology~~ while his or her
6 ability to practice ~~was~~ is impaired by alcohol or other drugs or while otherwise having
7 a mental or physical impairment. In this paragraph, "mental or physical
8 impairment" means a mental or physical impairment that would limit or eliminate
9 a practitioner's ability to engage in the practice of psychology at the level required
10 to competently discharge his or her tasks or duties and to protect the public interest
11 while so doing.

12 **SECTION 39.** 455.09 (1) (g) of the statutes is amended to read:

13 455.09 (1) (g) Violates this chapter or any rule of ~~professional conduct~~
14 promulgated under this chapter.

15 **SECTION 40.** 455.09 (1) (i) of the statutes is created to read:

16 455.09 (1) (i) Refuses to submit to an examination under s. 455.095, or is found
17 to be physically or mentally incapable of engaging in the practice of psychology under
18 s. 455.095.

19 **SECTION 41.** 455.09 (3) of the statutes is amended to read:

20 455.09 (3) A revoked license may not be renewed. One year from the date of
21 revocation of a license under this chapter, application may be made for
22 reinstatement. The ~~examining~~ board may accept or reject an application for
23 reinstatement. If reinstatement is granted under this subsection, the licensee shall
24 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does
25 not apply to a license that is revoked under s. 440.12.

1 **SECTION 42.** 455.095 of the statutes is created to read:

2 **455.095 Determination of mental or physical impairment.** (1) When
3 there is reasonable cause to believe that an individual licensed under this chapter
4 or applicant for a license under this chapter is physically or mentally incapable of
5 engaging in the practice of psychology with reasonable skill such that the applicant
6 or licensee may endanger the safety of patients or clients, the board may require the
7 licensee or applicant in question to submit to a psychological examination by a
8 psychologist designated by the board to determine psychological functioning to
9 practice or a physical examination by a physician designated by the board to
10 determine physical functioning to practice.

11 (2) The board shall consider the findings and conclusions of an examination
12 under sub. (1) and any other evidence or material submitted to the board by the
13 licensee or applicant in question or any other individual and shall determine if the
14 licensee or applicant is physically or mentally incapable of engaging in the practice
15 of psychology with reasonable skill such that the applicant or licensee may endanger
16 the safety of patients or clients.

17 **SECTION 43.** 455.10 of the statutes is repealed.

18 **SECTION 44.** 455.11 of the statutes is renumbered 455.30 and amended to read:

19 **455.30 Penalty.** Any person who violates this chapter may be fined not more
20 than \$200 \$1,000 or imprisoned not exceeding 6 months or both.

21 **SECTION 45.** 895.441 (1) (b) of the statutes is amended to read:

22 895.441 (1) (b) "Psychologist" means ~~a person who practices psychology, as~~
23 ~~described in s. 455.01 (5)~~ an individual who is a psychologist licensed under ch. 455.

24 **SECTION 46.** 905.04 (1) (e) of the statutes is amended to read:

