



PSYCHOLOGY EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Debra Sybell (608) 266-2112
October 2, 2019

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 July 24, 2019 (4-5)

C. Introductions, Announcements and Recognition

- 1) Mark Jenkins, Public Member

D. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Board Members – Term Expiration Dates

E. 9:00 A.M. PUBLIC HEARING: Clearinghouse Rule 19-117 Relating to Continuing Education Credits, and the Renewal and Reinstatement of Licenses (6-14)

- 1) Review and Respond to Public Hearing Comments and Clearinghouse Report

F. Legislative and Administrative Rule Matters – Discussion and Consideration (15)

- 1) PSY 2 Relating to Discrimination Based on Arrest or Conviction Record
- 2) Senate Bill 378
- 3) PSYPACT (Psychology Interjurisdictional Compact) **(16-18)**
- 4) LRB 4167 Relating to an Interim Psychologist License **(19-22)**
- 5) Legislation and Pending or Possible Rulemaking Projects

G. Credentialing Matters – Discussion and Consideration

- 1) Licenses Issued Between Meetings **(23-24)**

H. Deliberation on Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers

- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. 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.).

J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) Stipulations and Final Decisions and Orders**
 - a.17 PHY 001 – Derek J. John, Psy.D. **(25-34)**
- 2) Case Closing(s)**
 - a.18 PSY 004 – C.J.K. **(35-37)**

K. 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 Order
- 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT DATE: NOVEMBER 13, 2019

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
JULY 24, 2019**

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

EXCUSED: Rebecca Anderson, Ph.D.

STAFF: Debra Sybell, Executive Director; Lauren Tobiason, Legal Counsel; Sharon Henes, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department Staff

CALL TO ORDER

Daniel Schroeder, Chairperson, called the meeting to order at 9:01 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF THE MINUTES OF MAY 8, 2019

MOTION: David Thompson moved, seconded by Marcus Desmonde, to approve the Minutes of May 8, 2019 as published. Motion carried unanimously.

**PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE:
SS 006-19 FOR PSY 2, RELATING TO DISCRIMINATION BASED ON
ARREST OR CONVICTION RECORD**

MOTION: Peter Sorce moved, seconded by Marcus Desmonde, to approve the Scope Statement, SS 006-19, revising Psy 2, relating to discrimination based on arrest or conviction record, for implementation after consideration of all public comments and feedback. Motion carried unanimously.

**CONSIDER PARTICIPATION IN THE ASSOCIATION OF STATE AND PROVINCIAL
PSYCHOLOGY BOARDS (ASPPB) EPPP PART 2-SKILLS: PILOT EXAM**

MOTION: David Thompson moved, seconded by Peter Sorce, to designate Marcus Desmonde to take the ASPPB EPPP Part 2-Skills pilot exam any time before August 31, 2019, and to authorize travel. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

Consider Attendance at the 2019 ASPPB Annual Meeting October 16-20, 2019 – Minneapolis, MN

MOTION: David Thompson moved, seconded by Peter Sorce, to designate Marcus Desmonde, as the Board's delegate, to attend the 2019 ASPPB Annual Meeting on October 16-20, 2019 in Minneapolis, MN and to authorize travel. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 10:27 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:38 a.m.

ADJOURNMENT

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

The meeting adjourned at 10:39 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 23 September 2019 <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: 2 October 2019	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule 19-117 relating continuing education credits, and the renewal and reinstatement of licenses. a. Review and respond to Clearinghouse Report and Public Hearing comments											
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 required:										
10) Describe the issue and action that should be addressed: Hold Public Hearing at 9:00 a.m. Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.													
<table style="width: 100%;"> <tr> <td style="width: 60%;">11)</td> <td style="width: 40%; text-align: right;">Authorization</td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"><i>Sharon Henes</i></td> <td style="text-align: right; vertical-align: bottom;">9/23/19</td> </tr> <tr> <td style="border-top: 1px solid black;">Signature of person making this request</td> <td style="text-align: right; border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Supervisor (if required)</td> <td style="text-align: right; border-top: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				11)	Authorization	<i>Sharon Henes</i>	9/23/19	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
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Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.													

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING	:	ADOPTING RULES
BOARD	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Psychology Examining Board to repeal Psy 4.06; to amend Psy 4.05 (2); and to create Psy 4.017, relating to continuing education audits, and the renewal and reinstatement of licenses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 440.035 (2) and 440.08 (3) (b), Stats.

Statutory authority: ss. 15.08 (5) (b), 440.035 (2), and 440.08 (3) (b), Stats.

Explanation of agency authority:

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

Except as otherwise permitted in chs. 440 to 480, an examining board or affiliated credentialing board attached to the department or an examining board may require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder. [s. 440.035 (2), Stats.]

The department or the interested examining board or affiliated credentialing board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, that the department, examining board or affiliated credentialing board determines are necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed in order to obtain an initial credential from the department, the examining board or the affiliated credentialing board. [s. 440.08 (3) (b), Stats.]

Related statute or rule: Psy 4

Plain language analysis:

The proposed revisions remove the authority for random audits of continuing education, in compliance with s. 440.035, Stats. Additionally, the rule provides the procedure for late renewal and reinstatement for those licensees who are renewing an expired license, in compliance with s. 440.08 (3) (b), Stats.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:**Illinois:**

The Illinois Department of Financial and Professional Regulation licenses clinical psychologists, prescribing psychologists, prescribing psychologists controlled substance, and prescribing psychologists clinical rotation program. Random audits of continuing education are performed. Additionally, Illinois offers “restoration” of an inactive license requiring verification of active practice is another jurisdiction, one year in an approved education program, six months in a supervised experience, or passing the examination.

Iowa:

The Iowa Board of Psychology is in the Bureau of Professional Licensure in the Department of Public Health. Random audits of continuing education are performed each renewal cycle. Additionally, Iowa offers “reactivation” of an inactive license, requiring an application, fee, verification of competence through a current license in another jurisdiction, and evidence of having completed 40 hours of continuing education, or, if the license has been inactive for more than five years, evidence of having completed 80 hours of continuing education.

Michigan:

The Michigan Board of Psychology is in the Department of Licensing and Regulatory Affairs. Continuing education is required for renewal starting in September 2019, and the department may audit licensees. Additionally, Michigan offers “relicensure.” If a license expired less than three years ago, the licensee is required to complete 30 hours of continuing education. If it has been more than three years, complete 30 hours of continuing education and provide evidence of a current license in another jurisdiction or, if no current license, complete the examination.

Minnesota:

The Minnesota Board of Psychology is a stand-alone agency. Random audits of continuing education are performed each month. Additionally, the Board offers “relicensure” after a voluntary or board termination if the licensee has not practiced without a license and complied with the requirements for examination and licensure in effect at the time of application for relicensure.

Summary of factual data and analytical methodologies:

The Board reviewed the current code and made revisions to reflect current statutory language and professional practice.

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

This rule was posted on website for economic comments and none were received. This rule does not have an impact on small businesses.

Fiscal Estimate and Economic Impact Analysis: Attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereh@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing to be held on October 2, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Psy 4.017 is created to read:

- Psy 4.017 Late Renewal and Reinstatement.** (1) GENERAL. A person renewing an expired license may not reapply for a license using the initial application process.
- (2) RENEWAL WITHIN 5 YEARS. A person renewing the license within 5 years shall do all of the following:
- (a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.

- (b) Certify the completion of 30 hours of continuing education during the last biennium.
- (3) RENEWAL AFTER 5 YEARS. This subsection does not apply to license holders who have unmet disciplinary requirements. A person renewing the license after 5 years shall do all of the following:
 - (a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and the renewal late fee.
 - (b) Evidence of one of the following:
 - 1. An active credential in good standing in another state.
 - 2. Completion of 80 hours of approved continuing education, including 12 hours of ethics, risk management, or jurisprudence, within the preceding 2 years.
- (4) REINSTATEMENT. A person who has unmet disciplinary requirements and failed to renew the license within 5 years or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:
 - (a) Evidence of completion of the requirements in sub. (3) if the license has not been active within 5 years.
 - (b) Evidence of completion of the disciplinary requirements, if applicable.
 - (c) Evidence of rehabilitation or change in circumstances warranting reinstatement.

SECTION 2. Psy 4.05 (2) is amended to read:

Psy 4.05 (2) ~~The board may conduct a random audit of licensees on a biennial basis for compliance with continuing education requirements.~~ The board may conduct an audit on any licensee who has ~~come under investigation by the board for alleged misconduct~~ a complaint made against the licensee.

SECTION 3. Psy 4.06 is repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 26 August 2019								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Psy 4									
4. Subject Continuing education audits, and renewal and reinstatement of licenses									
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
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8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
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<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers								
<input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)									
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00									
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
11. Policy Problem Addressed by the Rule The proposed rule conforms the rule to 2017 Act 59 and clarifies the requirements for renewal and reinstatement of a license.									
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. This rule was posted for economic impact comments and none were received.									
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. There is no impact on local governmental units.									
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the State's economy as a whole.									
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to the proposed rule to is to have clear requirements for renewal and reinstatement of licenses and to be in compliance with statutes.									
16. Long Range Implications of Implementing the Rule The long range implications is less confusion regarding how a licensee renews or reinstates a license. In addition, the continuing education audit provision will be statutory compliant.									
17. Compare With Approaches Being Used by Federal Government None									
18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois, Iowa and Minnesota conduct random audits of continuing education and Michigan authorizes audits of continuing education.									

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

In Illinois, an inactive license may be restored by verification of active practice in another jurisdiction, completion of a one year education program, six months in a supervised experience, or passing an examination.

In Iowa, an inactive license may be reactivated by verification of practice in another jurisdiction and 40 hours of continuing education, or if inactive more than 5 years, completion of 80 hours of continuing education.

In Michigan, if the license has been expired less than 3 years, the licensee is required to complete 30 hours of continuing education. If the license has been expired more than 3 years, the licensee is required to provide evidence of a current license in another jurisdiction or pass an examination.

In Minnesota, if the licensee is required to complete the requirements for examination and licensure in effect at the time of application for relicensure.

19. Contact Name	20. Contact Phone Number
Sharon Henes	(608) 261.2377

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

☐ Yes ☐ No



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-117

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

Based on the plain language analysis, it appears the agency intends for SECTION 2 of the proposed rule to apply only to audits for continuing education (CE) compliance. However, as drafted, proposed s. Psy 4.05 (2) allows the agency to conduct any type of audit during an investigation, and does not require that the audit be only for the purpose of verifying CE compliance. Should s. Psy 4.05 (2) be revised to specify that the agency may conduct a CE audit? What other types of activities does the agency anticipate auditing? Additionally, in its plain language analysis, it appears the agency should more specifically explain that the proposed change is made in order to conform to s. 440.035 (2), Stats., as that particular subsection permits investigation of CE compliance only upon complaint against a credential holder.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 23 September 2019 <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: 2 October 2019	5) Attachments: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters 1. Psy 2 Relating to Discrimination Based on Arrest or Conviction Record 2. Senate Bill 378 3. PSYPACT (Psychology Interjurisdictional Compact) 4. Legislation and Pending or Possible Rulemaking Projects													
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Signature of person making this request	Date														
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Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

FOR IMMEDIATE RELEASE

April 23rd, 2019

CONTACT

Janet Orwig, MBA, CAE
Executive Director, PSYPACT
(678) 216-1188
jorwig@asppb.org

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT) BECOMES OPERATIONAL

GEORGIA – On April 23rd, 2019, Georgia Governor Brian Kemp signed GA HB 26 into law making Georgia the eighth state to enact the Psychology Interjurisdictional Compact (PSYPACT). Georgia joins seven other PSYPACT participating states including Arizona, Utah, Nevada, Colorado, Nebraska, Missouri, and Illinois. The compact, developed by the Association of State and Provincial Psychology Boards (ASPPB), is set to become operational as soon as it becomes effective in seven states. PSYPACT legislation in Illinois (IL HB 1853) included an effective date of January 1, 2020, and therefore, Illinois does not officially join PSYPACT until that date. As legislation in Georgia is effective upon approval by the Governor, Georgia has become the next PSYPACT participating state required to make PSYPACT operational.

ASPPB CEO Dr. Mariann Burnetti-Atwell remarked, “ASPPB is excited to announce with the recent signing by Georgia’s Governor Brian Kemp of GA HB 26, the much-awaited Psychology Interjurisdictional Compact is now ready to assist licensed psychologist to practice psychology across state lines. These are exciting times for the psychologist and for the individuals they will serve.”

Psychology joins other healthcare professions utilizing interstate compacts to address the regulation of interstate practice. PSYPACT is an interstate compact specifically designed to facilitate the practice of telepsychology and the temporary face-to-face practice of psychology across state lines. Upon becoming operational, each PSYPACT participating state will select one Commissioner to serve as that state’s representative on the PSYPACT Commission. The PSYPACT Commission is the governing body of PSYPACT and is responsible for the drafting and publication of PSYPACT Bylaws and Rules. Upon completion of these documents and finalization of requirements for the ASPPB E.Passport Certificate (for telepsychology) and Interjurisdictional Practice Certificate (for temporary practice), the process will open for licensed psychologists to apply for/begin using these certificates and practicing under the authority of PSYPACT.

According to ASPPB President Dr. Gerald O’Brien, “PSYPACT will promote further cooperation and standardization of requirements among psychology licensing boards, and consequently will improve access to psychological services while serving to protect consumers.”

ASPPB is excited about the progress of PSYPACT and will be providing updates regarding developments of the PSYPACT Commission and the application process for the E.Passport and IPC. If you would like to join our PSYPACT email listserv to receive updates, please email info@psypact.org and request to join the listserv. If you would like more information about PSYPACT, please visit our website at www.psypact.org.



Advancing the Interjurisdictional Practice of Psychology

Created by the Association of State and Provincial Psychology Boards (ASPPB), the Psychology Interjurisdictional Compact (PSYPACT) is an interstate compact that facilitates the practice of psychology using telecommunications technologies (telepsychology) and/or temporary in-person, face-to-face psychological practice.

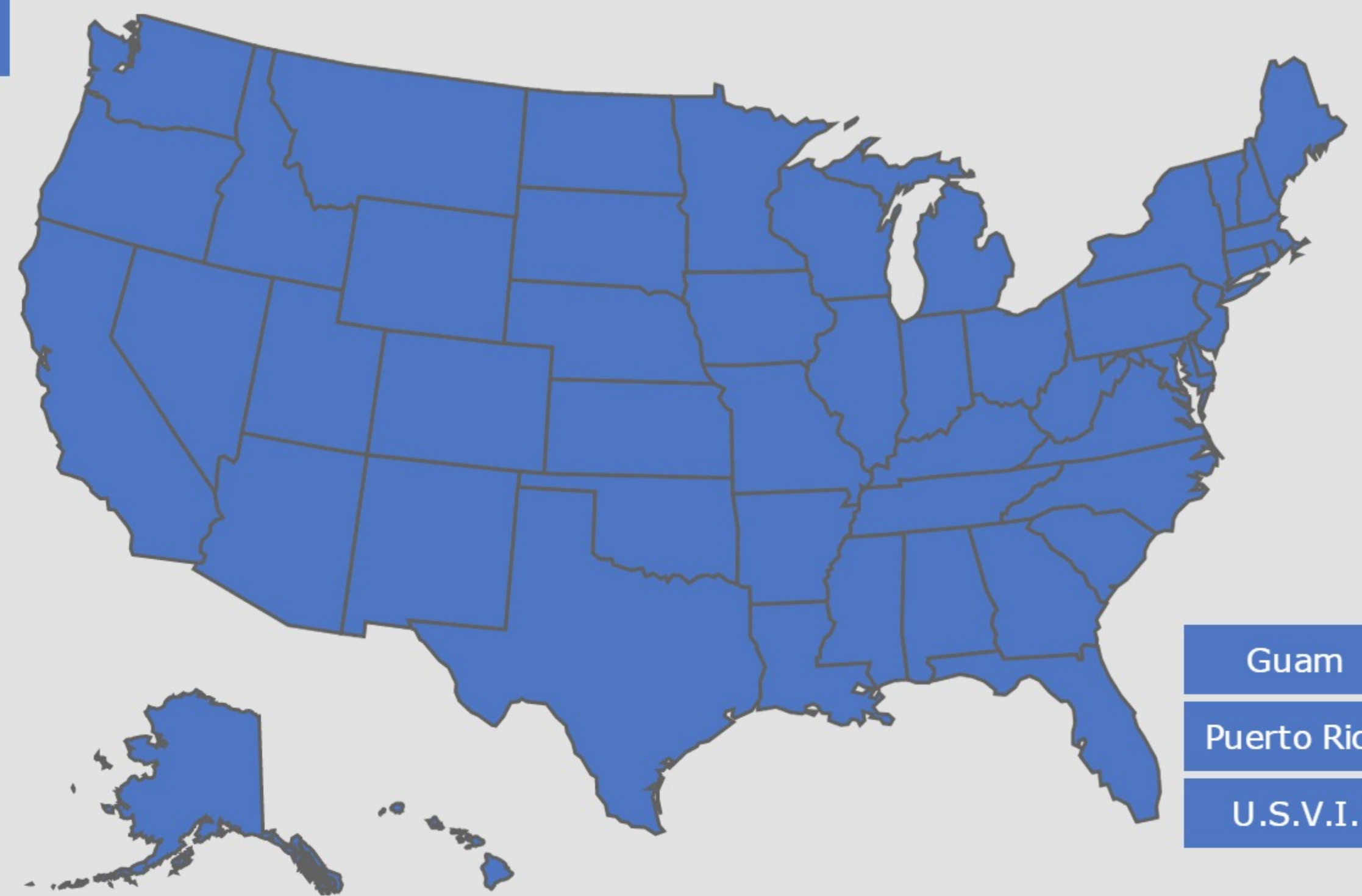
About PSYPACT

PSYPACT is a cooperative agreement enacted into law by participating states

Addresses increased demand to provide/receive psychological services via electronic means (telepsychology)

Authorizes both telepsychology and temporary in-person, face-to-face practice of psychology across state lines in PSYPACT states

PSYPACT states have the ability to regulate telepsychology and temporary in-person, face-to-face practice



How PSYPACT Works

PSYPACT becomes operational when seven states enact PSYPACT into law



Psychologists who wish to practice under PSYPACT obtain:

E.Passport Certificate for telepsychology

Interjurisdictional Practice Certificate (IPC) for temporary in-person, face-to-face practice



PSYPACT states communicate and exchange information including verification of licensure and disciplinary sanctions

Benefits of PSYPACT



Increases client/patient access to care



Facilitates continuity of care when client/patient relocates, travels, etc.



Certifies that psychologists have met acceptable standards of practice



Promotes cooperation between PSYPACT states in the areas of licensure and regulation



Offers a higher degree of consumer protection across state lines

How PSYPACT Impacts Psychologists

Allows licensed psychologists to practice telepsychology and/or conduct temporary in-person, face-to-face practice across state lines without having to become licensed in additional PSYPACT states

Permits psychologists to provide services to populations currently underserved or geographically isolated

Standardizes time allowances for temporary practice regulations in PSYPACT states

EMAIL: info@psypact.org

WEBSITE: www.psypact.org

SOCIAL: [@PSYPACT](https://twitter.com/PSYPACT)



ASPPB E.Passport QUICK GUIDE

**Read the ASPPB Mobility Program Policies and Procedures for a comprehensive look at the Mobility Program and requirements. Note: Requirements are subject to change and are determined by the Mobility Committee.*

The E. Passport promotes standardization in the criteria of interstate telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines in states that accept the E.Passport. The E. Passport also provides more consistent regulation of interstate telepsychology practice and allows consumers of psychological services to benefit from regulated practice.

Application Checklist



License

- ☐ Must have a current and active psychology license, based on a doctoral degree, in at least one PSYPACT participating state.
- ☐ No disciplinary action listed on any psychology license.



Education

- ☐ Must have doctoral degree from a regionally accredited institution, clearly listed in psychology, that included a minimum of 3 academic years of full time graduate study.
- ☐ Transcript must be sent directly to ASPPB from institution granting degree.
- ☐ Graduates from non APA/CPA accredited programs must be able to demonstrate at least 1 course (3 semester credits or equiv.) in ALL specific substantive areas as identified in the Mobility Program Policies and Procedures.
- ☐ Must demonstrate a minimum of 1 continuous academic year of full time residency* at the educational institution granting the doctoral degree.

*Residency means physical presence, in person, at the educational institution in a manner that facilitates the full participation and integration of the individual in the educational and training experience and includes faculty student interaction. Models that use in person contact for shorter durations throughout a year or models that use video conferencing or other electronic means to meet the residency requirement are NOT acceptable.



Examination

- ☐ Successful completion of the Examination for Professional Practice in Psychology (EPPP) with a score that meets or exceeds the established ASPPB recommended passing score at the time of application.

Renewal Requirement

Annual renewal by submission of established fee, documentation of a current active license in a PSYPACT participating state and demonstration of 3 hours of continuing professional development (CPD) relevant to the use technology in psychology (approved CPD may include academic courses and/or approved sponsor continuing education). Failure to renew will cause the certificate to expire and the certificate holder may not practice if certificate is expired.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4167/1
MED:amn

2019 BILL

1 **AN ACT** *to repeal* 455.07; *to amend* 51.30 (1) (b), 440.08 (2) (a) (intro.), 455.01
2 (4), 455.02 (3m) and 455.04 (5); *to repeal and recreate* 455.06; and *to create*
3 455.04 (2) of the statutes; **relating to:** an interim psychologist license.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the practice of psychology without being licensed as a psychologist by the Psychology Examining Board. This bill requires the board to issue an interim psychologist license to an applicant who satisfies all of the requirements for a psychologist license, other than an experience requirement. An interim license is valid for two years or until the individual obtains a permanent license, subject to a hardship exemption prescribed by the board by rule that could allow renewals beyond two years.

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:

4 **SECTION 1.** 51.30 (1) (b) of the statutes is amended to read:
5 51.30 (1) (b) "Treatment records" include the registration and all other records
6 that are created in the course of providing services to individuals for mental illness,

BILL**SECTION 1**

developmental disabilities, alcoholism, or drug dependence and that are maintained by the department; by county departments under s. 51.42 or 51.437 and their staffs; by treatment facilities; or by psychologists licensed under s. 455.04 (1) or (2) or licensed mental health professionals who are not affiliated with a county department or treatment facility. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or records are not available to others.

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

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

SECTION 3. 455.01 (4) of the statutes is amended to read:

455.01 (4) “Licensed psychologist” means a person holding a valid license under s. 455.04 (1) or (2).

SECTION 4. 455.02 (3m) of the statutes is amended to read:

455.02 (3m) USE OF TITLES. Except as provided in s. 257.03, 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, and only an individual licensed under s. 455.04 (4) may use the title “private practice school psychologist” or any similar title or state or imply that he or she is licensed to engage in the private practice of school psychology. Except as provided in s. 257.03, only an individual licensed under s. 455.04 (1), (2), or (4) may represent himself or herself to

BILL

1 the public by any description of services incorporating the word “psychological” or
2 “psychology”.”

3 **SECTION 5.** 455.04 (2) of the statutes is created to read:

4 455.04 (2) The examining board shall grant an interim psychologist license to
5 an individual who submits an application for the license, pays the fee specified under
6 s. 440.05 (6), and satisfies the requirements for a license under sub. (1) (a) to (f), other
7 than the requirement under sub. (1) (d). An individual licensed under this
8 subsection may provide psychological services only under the supervision of
9 qualified supervisors, as determined by the examining board.

10 **SECTION 6.** 455.04 (5) of the statutes is amended to read:

11 455.04 (5) Applicants for licensure under subs. ~~(1) and (4)~~ this section may be
12 required to appear before the examining board in person prior to licensure to allow
13 the examining board to make such inquiry of them as to qualifications and other
14 matters as it considers proper.

15 **SECTION 7.** 455.06 of the statutes is repealed and recreated to read:

16 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
17 licenses issued under this chapter are specified under s. 440.08 (2) (a), and the
18 renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

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

(2) An applicant for renewal of a license issued under this chapter 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 8. 455.07 of the statutes is repealed.

(END)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. On behalf of Debra Sybell, Executive Director		2) Date When Request Submitted: September 26, 2019 <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: October 2, 2019	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Credentialing Matters 1. Licenses Issued Between Meetings	
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 required:	
10) Describe the issue and action that should be addressed: Please see the attached list of licenses issued between meetings.			
11) Authorization <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <i>Debra Sybell (K.D.W.)</i> </div> <div style="width: 35%; text-align: right;"> 9/26/19 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="background-color: #f0f0f0; padding: 5px;"> Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. </div>			

PSYCHOLOGY BOARD

month	date approved	name of applicant	license #	city	state	zip code	Staff
June	6/26/2019	Rae Anne Frey	3695-57	Berlin	WI	53151	LPM
July	7/1/2019	Niya S. Bealin	3696-57	Milwaukee	WI	53216	LPM
July	Pending Blackout	Kay E. Segal	Pending	Woods/Deerfield	IL	60047/60015	LPM
July	Pending Blackout	Mary E. Sullivan	Pending	Mcallen	TX	78503	LPM
July	Pending Blackout	Megan E Greene	Pending	Oshkosh	WI	54901	LPM
July	Pending Blackout	John Stratton	Pending	Albion	MI	49224	LPM
July	7/24/2019	Troy Sheide	3698-57	Fond Du Lac	WI	54937	SSA
July	Pending Blackout	Catherine M Coppolillo	Pending	Milwaukee	WI	53208	LPM
July	Pending Blackout	Natalie M Scanlon	Pending	Hartland	WI	53029	LPM
July	Pending Blackout	Jodi Owen	Pending	Sioux Falls	SD	57104	SSA