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**VIRTUAL/TELECONFERENCE  
PSYCHOLOGY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Brad Wojciechowski (608) 266-2112  
January 17, 2024**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 8, 2023 (4)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters (5-24)**
  - 1) Department, Staff and Board Updates
  - 2) 2024 Meeting Dates **(5)**
  - 3) Annual Policy Review **(6-8)**
  - 4) Election of Officers, Appointments of Liaisons and Alternates, Delegation of Authorities **(9-24)**
  - 5) Board Members – Term Expiration Dates
    - a. Desmonde, Marcus P. – 7/1/2021
    - b. Greene, John N. – 7/1/2023
    - c. Schroeder, Daniel A. – 7/1/2019
    - d. Small, John – 7/1/2024
    - e. Sorce, Peter I. – 7/1/2020
    - f. Thompson, David W. – 7/1/2022
- F. 9:00 A.M. PUBLIC HEARING – Clearinghouse Rule 23-064 Psy 1 to 6, relating to Psychology Licensure Compact (25-31)**
  - 1) Review Public Hearing Comments and Clearinghouse Report
- G. Legislative and Policy Matters – Discussion and Consideration (32-37)**
  - 1) 2023 Wisconsin Assembly Bill 541 and 2023 Wisconsin Senate Bill 515
- H. Administrative Rule Matters – Discussion and Consideration (38-41)**
  - 1) Scope Statement: Psy 2, relating to temporary practice. **(39-40)**

2) Pending and possible rulemaking projects (41)

**I. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**

1) Consider Attendance: ASPPB Mid-Year Meeting, April 25-April 28, 2024

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

K. Education and Examination Matters – Discussion and Consideration

L. Deliberation on Items Added After Preparation of Agenda:

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

**M. 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.).**

N. DLSC Matters

O. Deliberation of Items Added After Preparation of the Agenda

1) Education and Examination Matters

- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

P. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

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

**ADJOURNMENT**

**NEXT DATE: FEBRUARY 21, 2024**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
PSYCHOLOGY EXAMINING BOARD  
MEETING MINUTES  
November 8, 2023**

**PRESENT:** Marcus Desmonde, Psy.D. (*arrived at 9:31*), John Greene, Ph.D. (*arrived at 9:21*), Daniel Schroeder, Ph.D., John Small, Peter Sorce, David Thompson, Ph.D.

**STAFF:** Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Dialah Azam, Board Administration Specialist; and other Department Staff

**CALL TO ORDER**

Daniel Schroeder, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF OCTOBER 4, 2023**

**MOTION:** John Small moved, seconded by Peter Sorce, to approve the October 4, 2023 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Pending or Possible Rulemaking Projects**

*Discussion and Consideration relating to temporary practice*

**MOTION:** Peter Sorce moved, seconded by David Thompson, to request DSPS staff draft a Scope Statement revising Psy 2, relating to temporary practice. Motion carried unanimously.

*(John Greene arrived at 9:21 a.m.)*

*(Marcus Desmonde arrived at 9:31 a.m.)*

**ADJOURNMENT**

**MOTION:** Peter Sorce moved, seconded by John Greene, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:36 a.m.

**PSYCHOLOGY EXAMINING BOARD**  
**2024 Meeting dates**

<b>Meeting Date</b>		<b><i>Start time</i></b>	<b>Agenda item deadline</b>
Wednesday, January 17, 2024	Virtual	9:00	<b>1/4/2024</b>
Wednesday, February 21, 2024	Virtual	9:00	<b>2/9/2024</b>
Wednesday, April 3, 2024	In person	9:00	<b>3/22/2024</b>
Wednesday, June 26, 2024	In person	9:00	<b>6/14/2024</b>
Wednesday, October 2, 2024	Virtual	9:00	<b>9/20/2024</b>
Wednesday, November 6, 2024	Virtual	9:00	<b>10/25/2024</b>

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/14/2023	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2024	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <a href="https://dsps.boards.wisconsin.gov/">Board SharePoint Site: https://dsps.boards.wisconsin.gov/</a>			
<p><b>Please be advised of the following Policy Items:</b></p> <ol style="list-style-type: none"> <li>1. <b>In-Person Meeting Policy:</b> Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year = 2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. <b>Attendance/Quorum:</b> Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. Timely notification is appreciated as a quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law.</li> <li>3. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. <b>Mandatory Training:</b> All Board Members must complete Public Records and Ethics Training, annually. <a href="#">Register to set up an account</a> in the Cornerstone LearnCenter online portal or <a href="#">Log in</a> to an existing account.</li> <li>5. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. <b>Per Diem and Reimbursement Claims:</b> Please submit all Per Diem and Reimbursement claims to DSPTS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Example)</li> <li>7. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: the member must leave home before 6:00 am to attend a meeting by the scheduled start time. <ol style="list-style-type: none"> <li>a. If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe.</li> <li>b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPTS staff will cancel or modify reservations as appropriate.</li> </ol> </li> <li>8. <b>Inclement Weather Policy:</b> In the event of inclement weather, the DSPTS may change a meeting from an in-person venue to hosted as virtual/teleconference only.</li> </ol>			
11)		<b>Authorization</b>	
<i>Brenda Taylor</i>		<i>12/14/2023</i>	
<p><b>Directions for including supporting documents:</b></p> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director</li> </ol>			

## Timeline of a Meeting

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

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

**5 business days prior to the meeting:** The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

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

### Agenda Item Examples:

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

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

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

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

# Department of Safety and Professional Services

## PER DIEM REPORT

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

**Purpose Codes:**

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

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

EMPL ID: 100012345-0

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



**PSYCHOLOGY EXAMINING BOARD  
2024 Elections, Liaisons, and Delegations**

**Election of Officers**

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Daniel Schroeder
<b>Vice Chairperson</b>	Marcus Desmonde
<b>Secretary</b>	David Thompson

**Appointment of Liaisons and Alternates**

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



**State of Wisconsin**  
**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**  
**CORRESPONDENCE / MEMORANDUM**

**DATE: January 9, 2024**

**TO: Board, Council, and Committee Members**

**FROM: Legal Counsel**

**SUBJECT: Liaison Definitions and Delegations Explanations**

### **Overall Purpose of Liaison Appointments**

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

### **Liaison Definitions**

**Credentialing Liaison:** The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

**Monitoring Liaison:** The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

**Professional Assistance Procedure (PAP) Liaison:** PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

**Education and Examination Liaison:** Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

**Legislative Liaison:** The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

**Travel Authorization Liaison:** The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

**Communication Liaison:** The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

**Screening Panel Members:** The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

## **Delegations Explanations**

### **Credentialing Delegations**

*The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.*

#### **Delegation of Authority to Credentialing Liaison (Generic)**

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

#### **Delegation of Authority for Predetermination Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

### **Delegation of Authority for Conviction Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

### **Delegation to DSPS When Applicant’s History Has Been Previously Reviewed**

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

### **Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed**

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

### **Delegation of Authority for Reciprocity Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

### **Delegation of Authority for Military Reciprocity Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

### **Delegation of Authority for Application Denial Reviews**

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

### **Delegation to Department Attorneys to Approve Duplicate Legal Issue**

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

### **Monitoring Delegations**

*The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.*

### **Delegation of Authority to Department Monitor**

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

### **Delegation of Authority to Monitoring Liaison**

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

### ***Education and Exam Delegations***

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

## **Miscellaneous Delegations**

### ***Document Signature***

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

### ***Urgent Matters***

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

### ***Delegation to Chief Legal Counsel***

#### **Due to Loss of Quorum**

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.



## **Stipulated Resolutions**

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

### ***Voluntary Surrenders***

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

### ***DLSC Pre-screening***

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

## **Roles and Authorities Delegated for Monitoring**

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

### **Authorities Delegated to the Monitoring Liaison**

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

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

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
  - a. Initial: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2<sup>nd</sup> Reduction: 28 screens plus 1 hair test
  - d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

**Authorities Delegated to the Department Monitor**

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

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

## **Authorities Delegated to Board Legal Counsel**

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

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

Updated 03/13/2023

2022 Roles & Authorities

**PSYCHOLOGY EXAMINING BOARD**  
**2023 Delegations**

***Document Signature Delegations***

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

***Delegated Authority for Urgent Matters***

**MOTION:** David Thompson moved, seconded by Mark Jenkins, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive scheduled Board meetings. Motion carried unanimously.

***Delegation to Chief Legal Counsel for Stipulated Resolutions***

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

## *Monitoring Delegations*

### **Delegation of Authorities for Monitoring**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to adopt the “Roles and Authorities Delegated for Monitoring” document presented in the January 24, 2023 agenda materials on pages 17-19. Motion carried unanimously.

### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

## *Credentialing Authority Delegations*

### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

### **Delegation of Authority for Conviction Reviews**

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of psychology. Motion carried unanimously.

### **Delegation of Authority for Reciprocity Reviews**

**MOTION:** David Thompson moved, seconded by Mark Jenkins, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements for a psychologist are substantially equivalent to the Board's requirements. Motion carried unanimously.

**Delegation of Authority for Military Reciprocity Reviews**

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

**Delegated Authority for Application Denial Reviews**

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Voluntary Surrenders***

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

**MOTION:** Marcus Desmonde moved, seconded by Peter Sorce, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

***Continuing Education Liaison(s) Delegation***

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

***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

***Optional Renewal Notice Insert Delegation***

**MOTION:** Peter Sorce moved, seconded by David Thompson, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** David Thompson moved, seconded by Peter Sorce, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

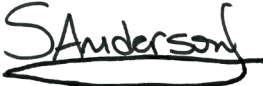
***PSYPACT Commission Representative & Delegation***

**MOTION:** Mark Jenkins moved, seconded by David Thompson, to appoint Daniel Schroeder as Wisconsin's PSYPACT Commission representative, to appoint John Greene as an alternate representative, and to delegate authority to these representatives to speak and act on behalf of the Board in all matters related to PSYPACT. Motion carried unanimously.



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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 01/04/2024 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Psychology Examining Board			
<b>4) Meeting Date:</b> January 17, 2024	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> 09:00 A.M. Public Hearing – Clearinghouse Rule 23-064 Psy 1 to 6, relating to Psychology Licensure Compact  1. Review Public Hearing comments and Clearinghouse Report.	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  The Board will hold a Public Hearing on this rule as required by the rulemaking process.  Attachments: 1. Preliminary rule draft. 2. Clearinghouse comment report.			
<b>11) Authorization</b>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   <hr/>                 Signature of person making this request             </div> <div style="text-align: right;">                 01/04/2023  <hr/>                 Date             </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> <hr/>                 Supervisor (if required)             </div> <div style="width: 15%; text-align: right;"> <hr/>                 Date             </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> <hr/>                 Executive Director signature (indicates approval to add post agenda deadline item to agenda)             </div> <div style="width: 15%; text-align: right;"> <hr/>                 Date             </div> </div>			
<b>Directions for including supporting documents:</b> 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

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

PROPOSED ORDER

An order of the Psychology Examining Board to **repeal** Psy 2.14 (1) and 2.14 (2m); to **amend** Psy 1.01, and 5.02 (title) and (1); and to **create** Psy 1.02 (3m), (5r), (6e), (12), 2.01 (9), 2.012 (1) (g), 2.013 (6), 2.15, and 2.16, relating to implementation of the Psychology Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 455.50, Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), and 440.09 (5), Stats.

**Explanation of agency authority:**

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

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

**Related statute or rule:**

Section 455.50, Stats.

**Plain language analysis:**

The Board is updating its Administrative Code chapters to bring them into alignment with 2021 Wisconsin Act 131, which establishes Wisconsin as a member of the Psychology Interjurisdictional Compact or PSYPACT. In order to bring the chapters into compliance, the Board is adding definitions of “E.Passport”, “IPC or Interjurisdictional Practice Certificate”, and “telepsychology”; creating a provision that applicants seeking initial licensure as a psychologist or interim psychologist will need to be fingerprinted; and establishing the requirements to hold an active IPC for temporary practice and an E.Passport to practice telepsychology.

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

N/A

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

N/A

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois has been a participating state in the Psychology Interjurisdictional Compact (PSYPACT) since the law became effective in 2020. The requirements are established in chapter 45 ILCS 195 and address the compact privileges for temporary practice and telepsychology.

**Iowa:**

Iowa is not a participating state in the Psychology Interjurisdictional Compact (PSYPACT).

**Michigan:**

Michigan has been a participating state in the Psychology Interjurisdictional Compact (PSYPACT) since the law became effective on March 29, 2023. The requirements are established in chapter 333 MCL 16190 and address the compact privileges for temporary practice and telepsychology.

**Minnesota:**

Minnesota has been a participating state in the Psychology Interjurisdictional Compact (PSYPACT) since the law became effective on May 26, 2021. The requirements are established in chapter 148.9051 of the Minnesota Statutes and address the compact privileges for temporary practice and telepsychology.

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of Psy 1, 2, and 5, as changed by 2021 Wisconsin Act 131. The Board provided input and feedback to determine any changes or updates needed in addition to those enacted by Act 131.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.

**Agency contact person:**

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Sofia Anderson, 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](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before TBD to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Psy 1.01 is amended to read:

**Psy 1.01 Authority.** The rules in chs. Psy 1 to 5 are adopted pursuant to authority of ss. 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 (1), 455.065 (5), ~~and~~ 455.09 (1) (g), 455.50 (4), and 455.50 (5), Stats.

SECTION 2. Psy 1.02 (3m), (5r), (6e), and (12) are created to read:

**(3m)** “Day” is defined in s. 455.03 (1) (a), Stats.

**(5r)** “E.Passport” is defined under s. 455.50 (2) (g), Stats.

(6e) “IPC” means Interjurisdictional Practice Certificate and is defined under s. 455.50 (2) (im), Stats.

(12) “Telepsychology” is defined under s. 455.50 (2) (nm), Stats.

SECTION 3. Psy 2.01 (9) is created to read:

(9) Fingerprint or other biometric-based information for the purpose of obtaining an applicant's criminal history information from the federal bureau of investigation and the Wisconsin department of justice in a manner directed by the department.

SECTION 4. Psy 2.012 (1) (g) is created to read:

(g) Fingerprint or other biometric-based information for the purpose of obtaining an applicant's criminal history information from the federal bureau of investigation and the Wisconsin department of justice in a manner directed by the department.

SECTION 5. Psy 2.013 (6) is created to read:

(6) Fingerprint or other biometric-based information for the purpose of obtaining an applicant's criminal history information from the federal bureau of investigation and the Wisconsin department of justice in a manner directed by the department.

SECTION 6. Psy 2.14 (1) is repealed.

SECTION 7. Psy 2.14 (2m) is repealed.

SECTION 8. Psy 2.15 is created to read:

**Psy 2.15 Temporary authorization to practice.** A psychologist intending to practice in this state under a temporary authorization to practice as defined in s. 455.50 (2) (o), Stats., and is licensed in another compact state or territory of the United States must hold an active IPC as established in s. 455.03 (2), Stats.

SECTION 9. Psy 2.16 is created to read:

**Psy 2.16 Authority to practice interjurisdictional telepsychology.** A psychologist intending to practice telepsychology in this state and is licensed in another compact state or territory of the United States must hold an active E.Passport as established in s. 455.03 (3), Stats.

SECTION 10. Psy 5.02 (title) and (1) are amended to read:

**Psy 5.02 Telehealth and telepsychology.**

(1) The standards of practice and professional conduct under this chapter apply to a licensee regardless of whether health care service is provided in person or by telehealth, or by telepsychology.

SECTION 11. 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.

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(END OF TEXT OF RULE)  
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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE RULE 23-064

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

Section 440.09 (5), Stats., relating to reciprocal credentials for service members, former service members, and their spouses, is listed in the statutory authority section of the rulemaking analysis, but no material in the proposed rule appears to relate to that rulemaking authority.

#### 2. Form, Style and Placement in Administrative Code

a. In the agency’s analysis for the proposed rule, the deadline to submit comments should either identify a date or describe how a reader may determine the date, rather than stating “TBD”.

b. The definitions created in the proposed rule that cross-reference definitions in the statutes should be modified to change the phrase “is defined under” to “has the meaning given in”. Consider also modifying s. Psy 1.02 (10m) and (11) in the current rule for consistency with that phrasing. [s. 1.07 (4) (a), Manual.]

c. The definition created for “IPC” should be modified to match the statutory term that is cross-referenced. That material should instead say ““Interjurisdictional practice certificate” or “IPC” has the meaning given in s. 455.50 (2) (im), Stats.”. Also, in the proposed rule, the definition is numbered as par. (6e). However, this would place the definition before “interim psychologist”, in par. (6g), which is not in alphabetical order. Consider, instead, numbering the term as par. (6L), to make the placement follow “interim psychologist”. [s. 1.07 (2) (b) 3., Manual.]

d. The rule caption’s enumeration of treated provisions should be updated to reflect any changes made in response to these comments.



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBa0713/1  
JPC:skw

**SENATE AMENDMENT 1,  
TO SENATE BILL 515**

November 7, 2023 – Offered by Senator CABRAL-GUEVARA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: delete lines 2 to 6 and substitute:

3 **“440.18 Telehealth by out-of-state mental health care providers. (1)**

4 In this section, “mental health care provider” means a psychologist, counselor,  
5 therapist, or social worker who, by education, training, and experience, is qualified  
6 to provide mental health services to patients.”

7 (END)





State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBa0825/1  
JPC:amn

**SENATE AMENDMENT 2,  
TO SENATE BILL 515**

November 20, 2023 – Offered by Senator CABRAL-GUEVARA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 10: after that line insert:

3 “**(2m)** Any mental health care provider who provides mental health services  
4 in this state by telehealth pursuant to sub. (2) shall, within 30 days of the first day  
5 that the mental health care provider provides mental health services in this state by  
6 telehealth, submit to the department on a form prescribed by the department any  
7 information that the department requires to confirm that the mental health care  
8 provider possesses a license, registration, certificate, or other approval that qualifies  
9 the mental health care provider to provide mental health services in this state by  
10 telehealth pursuant to sub. (2).”.

11 (END)



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBa0732/1  
JPC:amn

**SENATE AMENDMENT 3,  
TO SENATE BILL 515**

November 20, 2023 - Offered by Senator CABRAL-GUEVARA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 10: after that line insert:

3 “**(2m)** Any mental health care provider who provides mental health services  
4 in this state by telehealth pursuant to sub. (2) shall, within 30 days of the first day  
5 that the mental health care provider provides mental health services in this state by  
6 telehealth, submit to the department on a form prescribed by the department any  
7 information that the department requires to confirm that the mental health care  
8 provider possesses a license, registration, certificate, or other approval that qualifies  
9 the mental health care provider to provide mental health services in this state by  
10 telehealth pursuant to sub. (2).”.

11 (END)



## 2023 SENATE BILL 515

October 16, 2023 - Introduced by Senators CABRAL-GUEVARA, BALLWEG, BRADLEY, FEYEN and MARKLEIN, cosponsored by Representatives GUSTAFSON, DITTRICH, KITCHENS, MAGNAFICI, MURPHY, MURSAU, O'CONNOR, ROZAR, SCHMIDT and WICHGERS. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1     **AN ACT to create** 440.18 of the statutes; **relating to:** provision of telehealth  
2           services by out-of-state health care providers.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that no mental health care provider may be required to be licensed, registered, certified, or otherwise approved to practice in this state to provide mental health services by telehealth to patients located in this state if the mental health care provider satisfies certain conditions, including: 1) the mental health care provider is licensed, registered, certified, or otherwise approved to practice in the state that the provider is physically present in when providing telehealth services; 2) the mental health care provider may provide telehealth services in this state within the scope of his or her license, registration, certification, or approval from the state from which the mental health care provider is providing telehealth services; and 3) the mental health care provider informs the patient whether the provider is licensed in this state, what state he or she is providing telehealth services from, what states in which he or she is licensed, registered, certified, or otherwise approved to practice, and which regulatory boards the patient may contact to file a complaint. Under the bill, "mental health care provider" means a physician, physician assistant, psychologist, registered professional nurse, counselor, therapist, or social worker who, by education, training, and experience, is qualified to provide mental health services to patients. Under current law, "telehealth" means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are

**SENATE BILL 515**

used to transfer medically relevant data about a patient, and includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

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

1           **SECTION 1.** 440.18 of the statutes is created to read:

2           **440.18 Telehealth by out-of-state mental health care providers.** (1) In  
3 this section, “mental health care provider” means a physician, physician assistant,  
4 psychologist, registered professional nurse, counselor, therapist, or social worker  
5 who, by education, training, and experience, is qualified to provide mental health  
6 services to patients.

7           (2) Notwithstanding chs. 440 to 480, no mental health care provider may be  
8 required to be licensed, registered, certified, or otherwise approved to practice in this  
9 state to provide mental health services by telehealth to patients located in this state  
10 if the mental health care provider satisfies all of the following:

11           (a) The mental health care provider is licensed, registered, certified, or  
12 otherwise approved to practice in the state that the provider is physically present in  
13 when providing telehealth services.

14           (b) The mental health care provider may provide telehealth services in this  
15 state within the scope of his or her license, registration, certification, or approval  
16 from the state from which the mental health care provider is providing telehealth  
17 services.

18           (c) The mental health care provider’s license, registration, certification, or  
19 approval from the state from which the mental health care provider is providing  
20 telehealth services is not limited and the mental health care provider is not currently

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1 under investigation for any allegations of unprofessional conduct in the state from  
2 which the mental health care provider is providing telehealth services.

3 (d) The mental health care provider provides services within the scope of his  
4 or her license, registration, certification, or approval from the state from which the  
5 mental health care provider is providing telehealth services, consistent with any  
6 regulations applicable to the provision of telehealth services in that state.

7 (e) The mental health care provider informs the patient whether the provider  
8 is licensed in this state, what state he or she is providing telehealth services from,  
9 what states in which he or she is licensed, registered, certified, or otherwise approved  
10 to practice, and which regulatory boards the patient may contact to file a complaint.

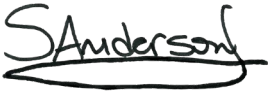
11 (3) This section does not apply to any individual who holds a compact license  
12 under s. 448.980.

13

(END)

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 01/04/2024 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Psychology Examining Board			
<b>4) Meeting Date:</b> January 17, 2024	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rules Matters – Discussion and Consideration: 1. Scope Statement: Psy 2, relating to temporary practice. 2. Pending and possible rulemaking projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Attachments: 1. Scope Statement for Psy 2, relating to temporary practice. 2. Rule projects chart.			
<b>11) Authorization</b>			
		01/04/2024	
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			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# STATEMENT OF SCOPE

## PSYCHOLOGY EXAMINING BOARD

Rule No.: Psy 2

Relating to: Temporary Practice

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of this rule project is to review the temporary practice requirements in chapter Psy 2 pursuant s. 455.03, Stats. The Board might consider revising this section to provide clearer guidelines for out-of-state providers wanting to practice temporarily in Wisconsin.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

The Board intends to review and potentially revise chapter Psy 2 regarding temporary practice for out-of-state psychologists looking to practice in Wisconsin. An alternative would be to not revise the code to clarify the criteria for temporary practice, which would create confusion and a lack of clarity for stakeholders.

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

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

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

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

Approximately 80 hours

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

Eligible licensed psychologists from other states wanting to practice temporarily in Wisconsin.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

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

**Contact Person:** Sofia Anderson, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted



**Psychology Examining Board  
Rule Projects (updated 01/04/2024)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/Synopsis	Current Stage	Next Step
	019-23	9/27/2025	Psy 1 to 6	<p><b>Implementation of Psychology Licensure Compact.</b> The objective of this rule is to implement the statutory changes from 2021 Wisconsin Act 131, which establishes Wisconsin as a member of the Psychology Interjurisdictional Compact or PSYPACT.</p>	Public Hearing	Submission of final rule draft and legislative report to Governor’s office for review. Once approved, final rule draft can be submitted for Legislative review.
			Psy 2	<p><b>Temporary Practice.</b> The objective of this rule project is to review the temporary practice requirements in chapter Psy 2 pursuant s. 455.03, Stats. The Board might consider revising this section to provide clearer guidelines for out-of-state providers wanting to practice temporarily in Wisconsin.</p>	Scope requested	Scope submission to Governor’s office for review and, after approval, for publication in the Administrative Register.