

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 060-21, was approved by the Governor on May 13, 2021, published in Register 786A4 on June 21, 2021, and approved by Psychology Examining Board on June 29, 2021. This emergency rule as approved by the Governor on 10/22/2021

ORDER

An order of the Psychology Examining Board to amend Psy 1.02 (2) (Note), (6m), 2.01 (3) (a) and (b), (4), 2.013 (intro), 2.14 (2), and (3), 4.017 (title), and 4.025 (1); to create Psy 1.02 (6g), (9m), 2.012, 2.013 (5), 2.014, and 4.017 (5), (6), and (7); to repeal and recreate Psy 2.10 (intro) and (1), and 2.14 (1), relating to definitions, interim psychologist licensure requirements, reciprocity requirements, reciprocal credentials for service members, former service members, and their spouses, supervised psychological experience, temporary practice for out of state providers, and renewal requirements.

Analysis prepared by the Department of Safety and Professional Services.

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature by SECTION 53 in 2021 Wisconsin Act 22 provides an exemption from a finding of emergency for the adoption of the rule.

ANALYSIS

Statutes interpreted:

Sections 455.01 (5) and (6), 455.03, 455.04, 455.06, 455.09 (3), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 455.06 (1) (b).

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.”

Section 455.06 (1) (b), Stats. provides “the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2).”

Related statute or rule:

None

Plain language analysis:

The Psychology Examining Board is updating the rules governing the practice of psychology based upon passage of 2021 Wisconsin Act 22. Act 22 creates requirements for a new interim psychologist license; modifies the conditions for the supervised psychological experience requirement; and clarifies the terms of temporary practice for out of state providers. This revision also includes a comprehensive review that updates and creates several definitions within chapter Psy 1 in order to comply with current standards of practice; and implements the reciprocal credential requirements for service members, former service members, and their spouses in accordance to 2019 Wisconsin Act 143.

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 and prescribing psychologists. In order to be licensed as a clinical psychologist, an applicant has to be a graduate of a doctoral program in clinical, school or counseling psychology accredited by the American Psychological Association or approved by the National Register of Health Service Psychologists; or be a graduate of a doctoral program whose content is found equivalent by the board. Additionally, applicants have to complete two years of supervised clinical, school or counseling psychology experience, which has to be divided between one year of no less than 1,750 hours in an internship, and one year of postdoctoral supervision. [225 ILCS 15/10] Illinois does not have interim or training psychologist licenses.

Iowa:

The Iowa Board of Psychology is in the Bureau of Professional Licensure in the Department of Public Health. Iowa licenses permanent, provisional, and health service provider psychologists. The requirements for permanent psychologist include evidence of

graduation from a doctorate level psychology program or its equivalent and a minimum of 1,500 hours of supervised professional experience in no less than ten months. [645 IAC 240.3] [645 IAC 240.6]

The requirements for provisional psychologist licensure include evidence of graduation from a doctorate level psychology program and a supervised plan signed by the potential supervisor. This license is effective for two years and may be renewed one time for an additional two years. [645 IAC 240.12]

Michigan:

The Michigan Board of Psychology is in the Department of Licensing and Regulatory Affairs. Michigan licenses master's limited permanent and temporary psychologists; doctoral educational limited permanent and temporary psychologists; and psychologists. In order to obtain a psychologist license, an applicant needs to have been granted a doctoral degree in psychology or its equivalent and have no less than one year of postdoctoral experience in the practice of psychology. The Board may grant a temporary license for the purpose of completing the one year of supervised experience. These temporary licenses are only valid for 24 months and can only be renewed once for an additional 24 months. [MCL 333.18223]

Minnesota:

The Minnesota Board of Psychology licenses Master and Doctoral level psychologists. In order to become a doctoral level psychologist, applicants must earn a doctoral degree in psychology and complete at least one full year or the equivalent in part time of postdoctoral supervised psychological experience in no less than 12 months and no more than 60 months. [MN Stats. 148.907 Subd. 2]

Minnesota has a guest licensure option for applicants who are licensed in another state and would like to start practicing while their permanent license is in process. In order to obtain this license, an applicant must have an unencumbered license to practice psychology in another state, hold a doctoral degree, and pass a professional responsibility examination designated by the board. This license is valid for one year or until the board either issues or denies the permanent license. Guest licenses can be renewed annually until the board has made a determination about the applicant's permanent licensure. [MN Stats. 148.916]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of Psy 1, 2, and 4, as changed by 2021 Wisconsin Act 22. The provisions of Act 22 were reviewed in conjunction with current rules relating to psychological practice and 2019 Wisconsin Act 143. The Board provided input and feedback to determine any changes or updates needed in addition to those enacted by Act 22 and 143.

Fiscal Estimate:

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

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; telephone 608-261-4463; email at 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. Comments must be submitted by the date and time at which the public hearing on these emergency rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature’s website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Psy 1.02 (2) (Note) is amended to read:

Psy 1.02 (2) (Note): The board office is located at ~~1400 East Washington Avenue~~ 4822 Madison Yards Way, Madison, WI 53705, P.O. Box ~~8935~~ 8366, Madison, WI 53708, telephone (608) ~~266-0070~~ 2112, dsps@wi.gov.

SECTION 2. Psy 1.02 (6g) is created to read:

Psy 1.02 (6g) “Interim psychologist” means a person licensed under s. 455.04 (2), Stats.

SECTION 3. Psy 1.02 (6m) is amended to read:

Psy 1.02 (6m) “Jurisprudence exam” means the board approved examination on the ~~elements of practice essential to the public health, safety, or welfare.~~ state law related to the practice of psychology.

SECTION 4. Psy 1.02 (9m) is created to read:

Psy 1.02 (9m) “Psychologist” means a person licensed under s. 455.04 (1) or (2), Stats.

SECTION 5. Psy 1.02 (11) and (12) are created to read:

Psy 1.02 (11) “Practice of psychology” has the meaning under s. 445.01 (5), Stats.

(12) “Psychotherapy” has the meaning under s. 455.01 (6), Stats.

SECTION 6. Psy 2.01 (3) (a) and (b) are amended to read:

Psy 2.01 (3) (a) Official transcript indicating a doctoral degree in psychology from a ~~college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.~~ program accredited by an organization approved by the examining board.

(b) Academic training ~~or specialized experience which in the opinion of the board is that the examining board determines to be substantially equivalent to a doctoral degree in psychology~~ on the basis of standards established in s. Psy 2.09.

SECTION 7. Psy 2.01 (4) is amended to read:

Psy 2.01 (4) Documentation of ~~at least one year experience in~~ completion of psychological work meeting the requirements in s. Psy 2.10.

SECTION 8. Psy 2.012 is created to read:

Psy 2.012 Interim Psychologist. (1) Subject to s. 455.09, Stats., the examining board shall grant an interim psychologist license to an applicant who submits all of the following:

- (a) A properly completed and signed application form.
- (b) An application fee authorized by s. 440.05 (6), Stats.
- (c) Evidence of one of the following:
 - 1. An Official transcript indicating a doctoral degree in psychology from a program accredited by an organization approved by the examining board.
 - 2. Academic training that the examining board determines to be substantially equivalent to a doctoral degree in psychology based on the standards established in s. Psy 2.09.
- (d) Completion of at least 1,500 hours of supervised experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
- (e) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.
- (f) Evidence of passing score on the jurisprudence exam.

(2) An interim psychologist license issued under s. 455.04 (2), Stats., is valid for 2 years or until the individual obtains a psychologist license under s. 455.04 (1), Stats, whichever is earlier. An individual holding an interim psychologist license is not required to complete continuing education.

SECTION 9. Psy 2.013 (intro) is amended to read:

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

SECTION 10. Psy 2.013 (5) is created to read:

Psy 2.013 (5) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.

SECTION 11. Psy 2.014 is created to read:

Psy 2.014 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice psychology shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Pursuant to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 12. Psy 2.10 (intro) and (1) are repealed and recreated to read:

Psy 2.10 Supervised psychological experience. Except as provided in s. Psy 2.013, an applicant for licensure shall complete at least 3,000 hours of supervised graduate-level experience in the practice of psychology under conditions satisfactory to the examining board and shall include all of the following:

(1) Supervised hours shall consist of all of the following:

- a. At least 1,500 hours of experience through a successfully completed internship, which shall be accrued after the completion of all doctoral level coursework.
- b. At least 1,500 hours of experience consisting of any combination of the following:
 1. Pre-internship hours that occur after the completion of the first year of the doctoral program or at any time while in a doctoral program after the completion of a master's degree in psychology or its equivalent.

2. Hours accrued in the internship as described in sub. a. that are in excess of the 1,500 hours required under sub. a.
3. Post-internship hours accrued under the internship as described in sub. a., but before the conferral of the doctoral degree.
4. Postdoctoral hours obtained after the conferral of the doctoral degree.

SECTION 13. Psy 2.14 (1) is repealed and recreated to read:

Psy 2.14 (1) ~~In this section, "working days" is defined as any day in which the psychologist provides services.~~ In this section, "day" means any part of a day during which psychological services are rendered.

SECTION 14. Psy 2.14 (2), and (3) are amended to read:

(2) A psychologist who is licensed by another state or territory of the United States or a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher ~~than~~ than the requirements for licensure as a psychologist in s. 455.04 (1), Stats., may ~~offer~~ provide psychological services as a psychologist in this state ~~for~~ not more than 60 ~~working~~ calendar days in any calendar year without holding a license issued under s. 455.04 (1), Stats.

(3) The psychologist shall report to the board the nature and extent of his or her practice in this state if it exceeds 20 ~~working~~ calendar days within a calendar year.

SECTION 15. Psy 4.017 (title) is amended to read:

Psy 4.017 ~~Late~~ Renewal and reinstatement.

SECTION 16. Psy 4.017 (5), (6), and (7) are created to read:

Psy 4.017 (5) A revoked license may not be renewed. Except as provided in s. 440.12, Stats., an individual may, no sooner than one year after the date of revocation, apply for reinstatement of a license. The board may accept or reject an application for reinstatement.

(6) INTERIM PSYCHOLOGIST LICENSE. The board may renew at its discretion an interim psychologist license upon a showing of hardship by the applicant.

(a) An applicant for a hardship renewal must demonstrate to the board that one of the following circumstances applies to the applicant:

1. The sickness of the applicant or a member of the applicant's immediate family substantiated by a doctor's certificate.
2. A death in the applicant's immediate family substantiated by proof of death.
3. Temporary military service.
4. Other good reason deemed acceptable by the board.

(b) If a hardship is established under par. (a), the board may request additional documentation from the applicant for its consideration in determining whether a renewal of the interim license is appropriate, including:

1. Attestation that the applicant has a qualified supervisor as provided by s. 455.04 (2), Stats.
2. Documentation of any relevant training, education, or supervised experience the applicant has completed since obtaining the interim psychologist license.
3. Any other relevant documentation requested by the board.

(7) An applicant for renewal of a private practice school psychologist issued under s. 455.04 (4), 2019 Stats. and prior to June 1, 2021, shall include with the renewal application proof of completion of hours of continuing education required under s. Psy 4.025.

SECTION 17. Psy 4.025 (1) is amended to read:

Psy 4.025 (1) Unless granted a postponement or waiver under s. Psy 4.04, every licensee except for those licensed under s. Psy 2.012 shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.

SECTION 18. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper, pursuant to s. 227.22 (2) (c), Stats., and shall remain in effect for 2 years or until permanent rules take effect, whichever is sooner, as provided in 2021 Wisconsin Act 22, section 53 (1).

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Psychology Examining Board