



**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
February 23, 2022**

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 (1-4)**
- B. Approval of Minutes of January 12, 2022 (5-10)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Appointment of Liaisons, Delegation of Authorities **(11-15)**
 - 3) Board Members – Term Expiration Dates
 - a. Desmonde, Marcus P. – 7/1/2021
 - b. Greene, John N. – 7/1/2023
 - c. Jinkins, Mark A. – 7/1/2022
 - d. Schroeder, Daniel A. – 7/1/2019
 - e. Sorce, Peter I. – 7/1/2020
 - f. Thompson, David W. – 7/1/2022
- E. Legislative and Policy Matters – Discussion and Consideration**
 - 1) 2021 Wisconsin Act 131 – PSYPACT **(16)**
- F. Administrative Rule Matters – Discussion and Consideration (17)**
 - 1) Preliminary Rule Draft – CR 21-016 (Psy 5), Relating to Telehealth **(18-25)**
 - 2) Pending or Possible Rulemaking Projects **(26)**
- G. Credentialing Matters – Discussion and Consideration**
 - 1) Licenses Issued Between Meetings **(27-29)**
- H. Association of State and Provincial Psychology Boards (ASPPB) Update – Discussion and Consideration**

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

- 1) Consideration of Attendance: ASPPB Mid-Year Meeting – April 21-24, 2022 – New Orleans, LA

J. COVID-19 – Discussion and Consideration

K. Deliberation on Items Added After Preparation of Agenda:

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

L. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

M. Deliberation on Department of Legal Services and Compliance (DLSC) Matters

- 1) **Stipulations, Final Decisions and Orders**
 - a. 20 PSY 016 – Sandra L. Eugster, Ph.D. **(30-35)**

N. 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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT DATE: APRIL 27, 2022

**VIRTUAL/TELECONFERENCE
 PSYCHOLOGY EXAMINING BOARD
 Virtual, 4822 Madison Yards Way, Madison
 Contact: Brad Wojciechowski (608) 266-2112
 February 23, 2022**

**PSYCHOLOGY EXAMINING BOARD
 2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
 10:15 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Psychology Examining Board may be present; however, no board business will be conducted.

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered

upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
JANUARY 12, 2022**

PRESENT: John Greene, Ph.D. (*arrived at 9:10 a.m.*); Mark Jinkins; Daniel Schroeder, Ph.D.; Peter Sorce; David Thompson, Ph.D. (*excused at 10:59 a.m.*)

EXCUSED: Marcus Desmonde, Psy.D.

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; 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) board 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 NOVEMBER 17, 2021

MOTION: Mark Jinkins moved, seconded by David Thompson, to approve the Minutes of November 17, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Peter Sorce nominated the 2021 slate of officers to continue in 2022.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

The Slate of Officers were elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Daniel Schroeder
Vice Chairperson	Marcus Desmonde
Secretary	David Thompson

(John Greene arrived at 9:10 a.m.)

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, David Thompson
Continuing Education Liaison(s)	Marcus Desmonde <i>Alternates:</i> John Greene
Monitoring Liaison(s)	David Thompson <i>Alternates:</i> Mark Jinkins
Professional Assistance Procedure (PAP) Liaison(s)	Mark Jinkins, Marcus Desmonde
Legislative Liaison(s)	John Greene, Marcus Desmonde, Daniel Schroeder, Peter Sorce, David Thompson
Travel Authorization Liaison(s)	Daniel Schroeder <i>Alternates:</i> Peter Sorce
Screening Panel	John Greene, David Thompson, Peter Sorce, Mark Jinkins

Delegation of Authorities

Document Signature Delegations

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

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

Delegated Authority for Urgent Matters

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

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

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Peter Sorce moved, seconded by John Greene, to adopt the "Roles and Authorities Delegated for Monitoring" document presented in the January 12, 2022 agenda materials on pages 16-17, with the following modifications:

1. Modify "Modify Authorities Delegated to the Monitoring Liaison, provision 4 (p. 16) to add the language "independent evaluator" after the words "treatment providers"
2. Strike Authorities Delegated to the Department Monitor, provision 4 (p. 17)

Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

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

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

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

Delegation of Authority to DSPS When Credentialing Criteria is Met

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

Delegation of Authority for Predetermination Reviews

MOTION: David Thompson moved, seconded by John Greene, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

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

Delegation of Authority for Reciprocity Reviews

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

Delegated Authority for Application Denial Reviews

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

Voluntary Surrenders

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

Continuing Education Liaison(s) Delegation

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

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

MOTION: John Greene moved, seconded by Peter Sorce, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

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

Legislative Liaison Delegation

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

Travel Authorization Liaison Delegation

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

ADMINISTRATIVE RULE MATTERS

Final Rule Draft – CR 21-080: Psy 1, 2, and 4 – Legislative Update

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to authorize the Chairperson and David Thompson to approve the revised final rule draft for Clearinghouse Rule 21-080 relating to legislative update for submission to the Governor's Office and Legislature. Motion carried unanimously.

(David Thompson was excused at 10:59 a.m.)

Adoption Order – CR 21-084: Psy 2.013(3), 2.018, 3, 4.025(4) – Expedited Repeal

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to approve the Adoption Order for Clearinghouse Rule 21-084, relating to Psy 2.013 (3), 2.018, 3, and 4.025 (4) expedited repeal. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 11:07 p.m.

ORDERS FIXING COSTS

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Kathryn L. LaPierre, Psy. D, Respondent – DHA Case Number SPS-19-0053/DLSC Case Number 17 PSY 032. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:09 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: John Greene moved, seconded by Mark Jenkins, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

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

The meeting adjourned at 11:11 a.m.



Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

To Whom it May Concern:

For appointments to the PSYPACT Commission, PSYPACT legislation notes the following in Article X.B.1, this representative shall be empowered to act on behalf of the Compact State and shall be limited to:

1. Executive Director, Executive Secretary or similar executive; OR
2. Current member of the State Psychology Regulatory Authority of a Compact State; OR
3. Designee empowered with the appropriate delegate authority to act on behalf of the Compact.

In appointing your Commissioner, please consider the following:

1. **Availability of your Representative:** It is expected that there could be significant involvement with face-to-face meetings, conference calls, committee assignments and emails as the governing documents and implementation components for PSYPACT are created and updated.
2. **Ongoing Participation:** The Commission must meet at least once a year. As the Commission is an ongoing entity, providing continuity of representation will make this a more cohesive and functional group.
3. **Knowledge of State Statutes/Regulations and PSYPACT Legislation:** It will be helpful to have a working knowledge of your State Psychology Regulatory Authority Statutes, Regulations, and PSYPACT in order to assist the Commission in the development of governing documents and to guide the decision-making process regarding specific components of PSYPACT.
4. **Conflict of Interest:** A state should consider if any real or potential conflict of interest exists when selecting a Commissioner.

Please find the PSYPACT Commission Registration Form attached with this letter. Please complete the registration form and return it along with a formal letter of appointment signed by the appropriate representative of the State Psychology Regulatory Authority to me at jorwig@asppb.org. We look forward to working with you on this important initiative for the profession of psychology.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janet Orwig'.

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

Psychology Interjurisdictional Compact (PSYPACT) www.psypact.org

210 Market Road • PO Box 849 • Tyrone, Georgia • 30290 • (678) 216-1175 •



Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

PSYPACT Commission Registration Form

Commissioner Contact Information

First Name: _____

Last Name: _____

Suffix: _____

Role (select one): Psychology Board Executive Director/Board Administrator

Psychology Board Member

Designee Appointed by Psychology Board

(Please Specify Position): _____

Address: _____

City/State/Zip: _____

Phone: _____ Alt Phone: _____

Email: _____

Is the Commissioner interested in running for a position on the Executive Board (Chair, Vice Chair, Treasurer, and Two Member-at-Large Positions)? Yes No

State-Specific Information

of Licensees (from previous year): _____

Does your state currently require Identity History Summaries (criminal background checks) at the initial point of licensure for psychologists? Yes No

Does your psychology licensing board currently report to the ASPPB Disciplinary Data System (DDS)? Yes No


of Complaints (from previous year): _____

of Complaints that Led to Official Investigations (from previous year): _____

of Psychologists who Participated in an Alternative Program (from previous year): _____

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jackie Schramm, Department Monitor, DLSC		2) Date when request submitted: 02/09/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 02/23/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Modified Monitoring Delegations	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Review the attached monitoring delegation document.			
11) Authorization <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;"> <hr/> 2/9/2022 Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> <hr/> Supervisor (Only required for post agenda deadline items) </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 for post agenda deadline items) </div> <div style="width: 15%; text-align: right;"> <hr/> Date </div> </div>			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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, independent evaluator, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. 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.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

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

Authorities Delegated to the Department Monitor

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

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


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.
-

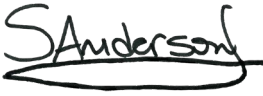
**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 2/8/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: 2/23/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: 1) 2021 WI Act 131 - PSYPACT			
11) Authorization			
		02/08/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 02/11/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: February 23, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Preliminary Rule Draft – CR 21-016: Psy 5 Telehealth 2. Pending and possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: 1. Psy 5 Telehealth Scope Statement. 2. Preliminary Rule draft CR 21-016: Psy 5 relating to telehealth. 3. 2021 WI Act 121. 4. Rule projects chart.			
11) Authorization			
		02/11/2022	
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	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

Psychology Examining Board

Rule No.: Psy 5

Relating to: Telehealth

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 the rule is to provide greater clarity for psychologists with regards to the practice of telehealth.

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 current rules are silent on telehealth. The proposed rule will include a definition of telehealth, specify psychologists are to hold a Wisconsin license in order to diagnose and treat patients located in Wisconsin, and psychologists are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.

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

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

The examining board shall adopt such rules as are necessary under this chapter. [s. 455.08, Stats.]

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

60 hours.

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

Psychologists practicing telehealth and their patients.

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):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Daniel Asher

Authorized Signature

07.16.2020

Date Submitted

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

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 create Psy 1.02 (11) and 5.02 (1) and (2), relating to telehealth.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 455.08, Stats.

Statutory authority: Sections 15.08 (5) (b) and 455.08, Stats.

Explanation of agency authority:

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

Section 455.08, Stats.: The examining board shall adopt such rules as are necessary under this chapter and shall, by rule, establish a reasonable code of ethics governing the professional conduct of psychologists.

Related statute or rule:

None.

Plain language analysis:

The current Psychology Examining Board rules are silent on telehealth. This rule will include a definition of telehealth, and specify psychologists are to hold a Wisconsin license in order to diagnose and treat patients located in Wisconsin and are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.

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

None.

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:

None received.

Comparison with rules in adjacent states:

Illinois:

Illinois Statute provides that telehealth includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system. Illinois law further provides that “[a] health care professional treating a patient located in this State through telehealth must be licensed or authorized to practice in Illinois.” Practice of telehealth in Illinois is limited to the extent of the practitioner’s scope of practice as established in his or her respective licensing and consistent with the standards of care for in-person services. Psychologists are included in the definition of “health care professionals.”

Iowa:

Iowa law defines telehealth as “...the delivery of health care services through the use of interactive audio and video.” “Telehealth” does not include the delivery of health care services through an audio-only telephone, electronic mail message, or facsimile transmission. Services must comply all rules adopted by the appropriate professional licensing board, having oversight of the health care professional providing the health care services. Mental health is included in the delivery of health care services.

Michigan:

Michigan law defines “telemedicine” in their insurance code as the use of an electronic media to link patients with health care professionals in different locations. To be considered telemedicine under this section, the health care professional must be able to examine the patient via a statutorily compliant, secure interactive audio or video, or both, telecommunications system. Psychologists are included in the definition of “health care professionals.”

Minnesota:

Minnesota’s Governor issued an Executive Order authorizing and requesting “... out-of state mental healthcare providers who hold a current license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications and competencies for licensees to render aid involving those skills in Minnesota by telehealth to meet the needs of this emergency.” Out-of-state practitioners must submit to the jurisdiction of the Minnesota health related regulatory and licensing boards. The relevant board may revoke a provider’s authorization to practice under this Executive Order at the board’s discretion. Minnesota’s telehealth law applies to physicians and is silent as to psychologists practicing telehealth.

Summary of factual data and analytical methodologies:

The Psychology Examining Board reviewed and seeks to revise its rules to provide greater clarity for psychologists with regards to the practice of telehealth.

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

Agency contact person:

Kevyn Radcliffe, 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 608-266-0797 email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before March 31, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Psy 1.02 (11) is created to read:

Psy 1.02 (11) “Telehealth” means patient care, treatment, or services are provided using technology where the psychologist and the patient are not at the same physical location for the patient care, treatment, or service.

SECTION 2. Psy 5.02 is created to read:

Psy 5.02 Telehealth

(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.

(2) A psychologist who uses a telehealth visit to provide psychological services to a patient located in this state shall be licensed by the board.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

State of Wisconsin



2021 Senate Bill 309

Date of enactment: **February 4, 2022**
Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 121

AN ACT *to renumber and amend* 250.15 (1); and *to create* 250.15 (1) (b), 250.15 (2) (d), 440.01 (1) (ab), (bm), (dg) and (hm) and 440.17 of the statutes; **relating to:** funding for free and charitable clinics and defining telehealth.

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

SECTION 1. 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.) and amended to read:

250.15 (1) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, “community:

(a) “Community health center” means a health care entity that provides primary health care, health education and social services to low-income individuals.

SECTION 2. 250.15 (1) (b) of the statutes is created to read:

250.15 (1) (b) “Free and charitable clinics” means health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet all of the following criteria:

1. The organizations are nonprofit and tax exempt under section 501 (c) (3) of the Internal Revenue Code or are a part of a larger nonprofit, tax-exempt organization.

2. The organizations are located in this state or serve residents in this state.

3. The organizations restrict eligibility to receive services to individuals who are uninsured, underinsured, or have limited or no access to primary, specialty, or prescription care.

4. The organizations provide one or more of the following services:

a. Medical care.

b. Mental health care.

c. Dental care.

d. Prescription medications.

5. The organizations use volunteer health care professionals, nonclinical volunteers, and partnerships with other health care providers to provide the services under subd. 4.

6. The organizations are not federally qualified health centers as defined in 42 USC 1396d (1) (2) and do not receive reimbursement from the federal centers for medicare and medicaid services under a federally qualified health center payment methodology.

SECTION 3. 250.15 (2) (d) of the statutes is created to read:

250.15 (2) (d) To free and charitable clinics, \$1,500,000.

SECTION 4. 440.01 (1) (ab), (bm), (dg) and (hm) of the statutes are created to read:

440.01 (1) (ab) “Asynchronous telehealth service” means telehealth that is used to transmit medical data about a patient to a health care provider when the transmission is not a 2-way, real-time interactive communication.

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

(bm) “Interactive telehealth” means telehealth delivered using multimedia communication technology that permits 2-way, real-time, interactive communications between a health care provider at a distant site and the patient or the patient’s health care provider.

(dg) “Remote patient monitoring” means telehealth in which a patient’s medical data is transmitted to a health care provider for monitoring and response if necessary.

(hm) “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 used to transfer medically relevant data about a patient. “Telehealth” includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

SECTION 5. 440.17 of the statutes is created to read:
440.17 Telehealth. If the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define “telehealth” to have the meaning given in s. 440.01 (1) (hm).

**Psychology Examining Board
Rule Projects (updated 02/10/2022)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/Synopsis	Current Stage	Next Step
21-080	060-21	12/21/2023	Psy 1, 2, and 4 (permanent)	Legislative Update (2021 WI Act 22). Act 22 creates requirements for a new interim psychologist license; modifies the conditions for the supervised psychological experience requirement; and clarifies the terms of the temporary practice for out of state providers. Also includes updates to chapter Psy 1 in order to comply with current standards of practice; and implements the reciprocal credential requirements for service members, former service members, and their spouses in accordance to 2019 Wisconsin Act 143.	Drafting rule	Final rule and Legislative Report will be submitted to Legislature once the revised draft is approved
21-084	N/A	N/A	Psy 2.013 (3), 2.018, 3, and 4.025 (4)	Expedited Repeal. Act 22 discontinues the initial licensure of private practice school psychologists, eliminates the national exam and continuing education requirements for reciprocal applicants, and ABPP diploma exemption for initial licensure.	Adoption Order published. Rule will be effective as of 3/1/22.	N/A
21-016	130-20	4/12/2023	Psy 5	Telehealth. This rule will include a definition of telehealth, and specify psychologists are to hold a Wisconsin license in order to diagnose and treat patients located in Wisconsin and are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.	Drafting preliminary rule. 2021 WI Act 121 became effective on 2/5/22. Rule draft will have to be modified to fit the new statutory definition of “telehealth”.	Final rule and Legislative Report will be submitted to Legislature once the revised draft is approved.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jennifer Lamb License/Permit Program Associate, Sr		2) Date When Request Submitted: 2/17/22	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: February 23, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Psychology applications and licenses issued in Dec 2021 and Jan 2022	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: ACT 10 = Sep to Dec 2021 15 issued			
11) Signature of person making this request <i>Jennifer N. Lamb</i>		Authorization: Date 02/17/22	
Supervisor (if required) <i>Samantha Lange</i>		Date 2/17/2022	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

APPLICATION COUNTS by MONTH

FROM: 1/1/2021 TO: 12/31/2021

PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL
Psychologist(57)	2021	16	20	26	20	25	25	15	14	19	13	18	10	221

run:2/17/2022 3:52:19 PM report:ApplicationCountsByMonth url:http://DBWMAD0P3867:80/ReportServer user:ACCOUNTS\langesjdc

CREENTIALS ISSUED BY MONTH														
FROM: 1/1/2021 TO: 12/31/2021														
PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YR TOTALS
Psychologist(57)	2021	15	11	9	14	5	11	4	5	11	10	8	4	107

APPLICATION COUNTS by MONTH

FROM: 1/1/2022 TO: 1/31/2022

PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL
Psychologist(57)	2022	14	0	0	0	0	0	0	0	0	0	0	0	14

run:2/17/2022 3:56:25 PM report:ApplicationCountsByMonth url:http://DBWMAD0P3867:80/ReportServer user:ACCOUNTS\langesjdc

CREENTIALS ISSUED BY MONTH														
FROM: 1/1/2022 TO: 1/31/2022														
PROFESSION NAME	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YR TOTALS
Psychologist(57)	2022	9	0	0	0	0	0	0	0	0	0	0	0	9

PSYCHOLOGY BOARD

Month	Date Approved	Name of Applicant	License #	City	State	Zip Code	Staff
Dec-21	12/3/2021	Jihan Najjar	4006-57	Milwaukee	WI	53213	
Dec-21	12/7/2021	Nicole Mathy	4007-57	Mequon	WI	53097	
Dec-21	12/9/2021	Jesse Moonen	4008-57	Minneapolis	MN	55416	
Dec-21	12/14/2021	Daniel Stabin	4009-57	Madison	WI	53715	
Jan-22	1/12/2022	Priyanka Parikh	4010-57	Plainfield	IL	60544	
Jan-22	1/12/2022	Katherine Magruder	4011-57	Madison	WI	53705	
Jan-22	1/18/2022	Andreas Ryland	4012-57	Oak Creek	WI	53154	
Jan-22	1/19/2022	Caitlin Pinciotti	4013-57	Brookfield	WI	53005	
Jan-22	1/21/2022	Christine Garstka	4014-57	Appleton	WI	54914	
Jan-22	1/26/2022	Jennifer Aeling	4015-57	Sparta	WI	54656	
Jan-22	1/28/2022	Samantha Eastberg	4016-57	Marshfield	WI	54449	
Jan-22	1/28/2022	Barbara Boehm	4017-57	Duluth	MN	55804	
Jan-22	1/31/2022	JoEllen Kozlowski	4018-57	Sun Prairie	WI	53590	