



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>

Governor Scott Walker Secretary Dave Ross

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

PSYCHOLOGY EXAMINING BOARD MEETING
Room 121A, 1400 E. Washington Avenue, Madison WI
Contact: Dan Williams (608) 266-2112
AUGUST 7, 2013

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

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda(1-4)**
- B. Approval of Meeting Minutes of June 26, 2013(5-6)**
- C. Administrative Matters – Discussion and Consideration**
 - 1) Paperless Initiative
 - 2) Staff Update
- D. Legislation/Administrative Rule Matters – Discussion and Consideration(7-20)**
 - 1) Psy 4(7-18)
 - 2) EO 61(19-20)
- E. Informational Matters(21-40)**
 - 1) ASPPB Annual Conference – Discussion and Consideration(23-30)
 - 2) Brickham Letter(31-32)
 - 3) Lehman-Kessler Letter(33-34)
 - 4) Ethics Exam(35-36)
 - 5) CE Audit(37-38)
 - 6) Suicide Prevention/CE Modification(39-40)

F. **Position Statements – Discussion and Consideration(41-56)**

- 1) Practice FAQ 2.0(43-44)
- 2) Practice FAQ 2.1(45-46)
- 3) Practice FAQ 2.2(47-48)
- 4) Practice FAQ 2.3(49-50)
- 5) Practice FAQ 2.4(51-52)
- 6) Practice FAQ 2.5(53-54)
- 7) Practice FAQ 2.6(55-56)

G. Items Received After Preparation of the Agenda

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Proposed Final Decision and Order(s)
- 5) Informational Item(s)
- 6) Division of Legal Services and Compliance Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Questions/Issues
- 10) Legislation/Administrative Rule Matters
- 11) Liaison Report(s)
- 12) Speaking Engagement(s), Travel, or Public Relation Request(s)

H. Public Comments

I. **Motion to Designate Final Decision Maker in Case No. 12 PSY 020 Andrea Nelson(57-60)**

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

J. **Designation of Final Decision Maker in Case No. 12 PSY 020 Andrea Nelson – Deliberation and Final Decision**

K. **Monitoring Matters(61-98)**

- 1) **1:00 P.M. APPEARANCE: Timothy Kabara – Requesting Reinstatement After Voluntary Surrender (61-98)**

L. **Deliberation of Proposed Stipulation(s), Final Decision(s) and Order(s)**

M. Review of Applications for Licensure(99-622)

- 1) Shaun English, Ph. D(**101-142**)
- 2) Megan Farley, Ph. D(**143-192**)
- 3) Tamer Fawzy, Ph. D(**193-274**)
- 4) Gary Fischler, Ph. D(**275-340**)
- 5) Kevin Kowaleski, Psy. D(**341-380**)
- 6) Samantha Lavarda, Psy. D(**381-418**)
- 7) Eric Neumaier, Ph. D(**419-458**)
- 8) Bethany Price, Ph. D(**459-508**)
- 9) Joleen Sussman, Ph. D(**509-548**)
- 10) Matthew Vendlinks, Ph. D(**549-590**)
- 11) Randall Wilson, Psy. D(**591-622**)

N. Review of Additional Information Requested of Applicants for Licensure(623-654)

- 1) Nicholas Buhr, Psy. D(**623-634**)
- 2) Shelly Gallenberg, Psy. D(**635-646**)
- 3) Brennan Young, Ph. D(**647-654**)

O. Oral Interview of Applicants for Licensure – Final Approval for Licensure

- 1) Jacob Austin, Psy. D
- 2) Laura Bonsky, Psy. D
- 3) Nicholas Buhr, Psy. D
- 4) Jennifer Carrasco, Ph. D
- 5) Shelly Gallenberg, Psy. D
- 6) Dina Karvounides, Psy. D
- 7) Susan Mickel, Ph. D
- 8) Samantha Wildeman, Psy. D
- 9) Brennan Young, Ph. D
- 10) Angela Zapata, Ph. D

P. Deliberation of Administrative Warning(s)

Q. Division of Legal Services and Compliance

- 1) Case Status Report
- 2) Case Closings

- R. Deliberation of Items Received **After Preparation** of the Agenda
- 1) Application Issues and/or Reviews
 - 2) Monitoring Matters
 - 3) Proposed Stipulations, Final Decisions and Orders
 - 4) Administrative Warnings
 - 5) Orders Fixing Costs/Matters Related to Costs
 - 6) Proposed Final Decisions and Orders
 - 7) Petitions for Summary Suspension
 - 8) Petitions for Re-hearings
 - 9) Case Closings
 - 10) Education or Examination Matters
 - 11) Review Additional Information Requested of Applicants for Licensure
 - 12) Oral Interviews of Applicants for Licensure – Final Approval for Licensure
 - 13) Review of Applications for Licensure
 - 14) Supervision Reviews
 - 15) Credential Issues
 - 16) Appearances from Requests Received or Renewed
 - 17) Motions
- S. Consulting with Legal Counsel

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Vote on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

DLSC – Signatures for Orders

T. Case Advisor Training

ADJOURNMENT

**PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
JUNE 26, 2013**

PRESENT: Bruce Erdmann, Ph.D.; Daniel Schroeder, Ph.D.; Rebecca Anderson, Ph.D.

PRESENT TO GOTO MEETING: Melissa Westendorf, J.D., Ph.D.

STAFF: Dan Williams, Executive Director; Matthew C. Niehaus, Bureau Assistant; and other Department Staff

CALL TO ORDER

Bruce Erdmann, Ph.D., Chair, called the meeting to order at 12:50 p.m. The meeting was delayed due to quorum difficulties. A quorum of four (4) members was present at the start of the meeting.

ADOPTION OF AGENDA

- The agenda has been amended to only include items A, B, and E.1.

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

APPROVAL OF MEETING MINUTES OF MARCH 25, 2013

MOTION: Rebecca Anderson moved, seconded by Daniel Schroeder, to approve the minutes of March 25, 2013 as published. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

MOTION: Daniel Schroeder moved, seconded by Rebecca Anderson, to adopt the rulemaking order to repeal Psy 2.12(2) and amend Psy 2.09(4) relating to applicant appearances. Motion carried unanimously.

MOTION: Rebecca Anderson moved, seconded by Daniel Schroeder, to authorize the Board Chair to notify ASPBB and any other organization when the rule changes for Psy 2.12(2) and Psy 2.09(4) become effective. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Schroeder moved, seconded by Rebecca Anderson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:55 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 7/29/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 8/7/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Admin Rules matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: <ul style="list-style-type: none"> • PSY 4 • EO 61 			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

- I. CEU requirements
 - a. Nearly all states require some CEU's. (Handout 1)
 - a. Michigan and Illinois do not
 - b. What does research say?
- II. ASPPB
 - a. Recommendations (Handout 2)
- III. My recommendations
 - a. Either go to 30 hours or remain at 40 hours
 - i. If remain at 40, then permit 10 carry-over hours
 - b. Requirements
 - i. Require that licensees hold on to CEU records for six years or 3 biennium
 - ii. 6 hours ethics
 - iii. 20 hours for Home study e.g., book, articles, online
 - iv. Optional – suicide prevention earn 1.5 credits for every 1.0 credits
 - c. Additional Opportunities for Licensees
 - i. Peer Consultations
 - ii. Board Certification
 - iii. Professional Activities

2013 July 13 10:49 AM
 ceu-classes.info/ceu-requirements

Psychologist CEU Requirements

See the chart below for your state's requirements for CEUs for your license renewal.

Your source for CEU information!
 Register now for newsletters and coupons for discounts on the classes you need to maintain your license.

State	Do They Need Continuing Education?	How much and how often?
Alabama	Yes	20 /year
Alaska	Yes	40 / 2 years
Arizona	Yes	60 hrs/2 yrs
Arkansas	Yes	40/2
California	Yes	36 / 2 Years
Colorado	No	N/A
Connecticut	No	N/A
Delaware	Yes	40 / 2 years
Florida	Yes	40 / 2 years
Georgia	Yes	40 hrs/2 yrs
Hawaii	No	N/A
Idaho	Yes	20/ year
Illinois	No	N/A
Indiana	Yes	40/2
Iowa	Yes	40/2
Kansas	Yes	50 hrs/2 yrs
Kentucky	Yes	30/ year
Louisiana	Yes	30/2
Maine	Yes	20 / 2 years
Maryland	Yes	40 hrs/2 yrs
Massachusetts	Yes	20 / 2 years
Michigan	No	NA
Minnesota	Yes	40/2
Mississippi	Yes	40/2
Missouri	Yes	40 hrs/2 yrs
Montana	Yes	40 hrs/2 years
Nebraska	Yes	24/2
Nevada	Yes	30 hrs/2 years
New Hampshire	Yes	60/3
New Jersey	Yes	50 hrs/2 yrs
New Mexico	Yes	
New York	No	N/A
North Carolina	Yes	18 / 2 years
North Dakota	Yes	40/2
Ohio	Yes	23 / 2 years
Oklahoma	Yes	20/1
Oregon	Yes	50 / 2 years
Pennsylvania	Yes	30/2
Rhode Island	Yes	12 / year
South Carolina	Yes	24 hrs/2 yrs
South Dakota	Yes	6 hrs/annually
Tennessee	Yes	40/2
Texas	Yes	12 hrs/annually
Utah	Yes	48 hrs/2 yrs
Vermont	Yes	60/2
Virginia	Yes	14 / year
Washington	Yes	60 / 3 years
West Virginia	Yes	20/2
Wisconsin	Yes	40/2
Wyoming	Yes	30 hrs/2 yrs

Name

Primary Email

- ▶ About
- ▶ Counselor CEU Requirements
- ▶ MFT CEU Requirements
- ▶ Psychologist CEU Requirements
- ▶ Social Work CEU Requirements

Need more information about your state's license renewal requirements?

CPD Activities and Credit Values
TABLE 1

CPD Activity	Maximum # of Credits Allowed each Renewal Period	Value of Credits by Activity
Professional		
1. Ongoing Peer Consultation (including but not limited to case consultation, journal clubs, research groups; mentoring)	Minimum 10*/ Maximum 20 (*If this activity is chosen, a minimum of 10 credits is required)	1 hour = 1 credit
2. Practice Outcome Monitoring (assessing client/patient/patient outcomes via protocol)	20	1 client/patient = 1 credit
3. Professional Activities (including but not limited to serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology, scientific grant review teams or board member of regulatory body)	10	1 year = 10 credits
4. Conferences/Conventions (attendance time as distinguished from CE credits)	5	1 conference day = 1 credit
Academic		
5. Academic Courses (taking courses from a regionally accredited institution, a graduate-level course for credit that is related to psychology)	20	1 credit course = 7 credits 2 credit course = 14 credits 3 credit course = 20 credits

<p>6. Instruction (teaching a course related to psychology in a regionally accredited institution, full day sponsor-approved or half-day sponsor-approved workshop presentation; only counts first time teaching or presenting)</p>	<p>20</p>	<p>1 course = 20 credits 1 full day workshop = 10 credits ½ day workshop = 5 credits</p>
<p>7. Publications (peer-reviewed articles, book chapters or editor or coeditor of peer reviewed journal)</p>	<p>10</p>	<p>1 publication = 10 credits</p>
<p>Continuing Education</p>		
<p>8. Approved Sponsor Continuing Education (any activity provided by approved sponsor organizations defined in CPD guidelines)</p>	<p>30</p>	<p>1 hour = 1 credit</p>
<p>9. Self-directed learning related to one's professional activities (readings, videos, electronically mediated presentations, unsponsored activities)</p>	<p>5</p>	<p>1 hour = 1 credit</p>
<p>Board Certification</p>		
<p>10. Board Certification (can count for 100% of required CPD in the year that certification is awarded)</p>	<p>40</p>	<p>Certification awarded = 40 credits</p>

PSYCHOLOGY EXAMINING BOARD Psy 4.02

The Wisconsin Administrative Code on this web site is updated on the 1st day of each month, current as of that date. See also Are the Codes

on this Website Official? Register March 2013 No. 687

Chapter Psy 4

REQUIREMENTS FOR RENEWAL

Psy 4.01 Biennial renewal.

Psy 4.02 Continuing education.

Psy 4.03 Renewal of a lapsed license.

Psy 4.01 Biennial renewal. On or before September 30 of the odd-numbered year following issuance of the license, the licensee shall apply for renewal to the department and submit the fee specified in s. 440.08 (2) (a), Stats., and shall meet the continuing education requirements specified in s. Psy 4.02.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. Register, June, 1999, No. 522, eff. 7-1-99.

Psy 4.02 Continuing education. (1) REQUIREMENTS

FOR CONTINUING EDUCATION. (a) Unless granted a postponement or waiver under par. (g), every licensee shall complete at least 40 hours of board-approved continuing education in each biennial registration period, as specified in s. 455.06, Stats. The board may require that not more than 20 continuing education hours in each biennial registration period be acquired within specified topic areas.

(b) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.

(c) To meet the continuing education requirement, a licensee shall submit to the board a certificate of attendance upon the board's request.

(d) Unless granted a postponement or waiver under par. (g), a licensee who fails to meet the continuing education requirements by the renewal deadline shall cease and desist from practice.

(e) During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements.

(f) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 hours of continuing education approved by the board within 2 years prior to application.

(g) A licensee may apply to the board for a postponement or waiver of the requirements of this section on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

(h) The board may grant an exemption from the requirements of this section to a licensee who certifies to the board that he or she has permanently retired from the active practice of psychology.

(i) A licensee who has been granted an exemption from the requirements of this section based on retirement from the active practice of psychology may not return to the active practice of psychology without submitting evidence satisfactory to the board of having completed at least 40 credits of continuing education for each of the biennia during which the licensee was granted an exemption.

(j) **Specific Criteria.** Licensees shall obtain 6 credits of continuing education pertaining to the practice of psychology in any of the following areas: ethical issues, federal mental health laws and regulations, Wisconsin mental health laws and regulations, or risk management.

(k) **Optional Criteria:** Licensees who attend specific suicide prevention programming will earn 1.5 times the credit offered for the course.

(l) Licensees are required to keep their continuing education documents for a period of six years or 3 biennium.

(m) Licensees who earn over the required 40 credits of programming may carry-over 10 credit in to the next biennium. However, credits cannot be approved for more than one biennium.

(2) APPROVAL OF CONTINUING EDUCATION PROGRAMS. The board shall approve all of the following programs and courses if relevant to the professional practice of psychology:

(a) Continuing education programs and courses sponsored or co-sponsored by a presenter approved by the committee for the approval of continuing education sponsors of the American psychological association.

(b) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American medical association or the American osteopathic association.

(c) Graduate level courses or continuing education courses relevant to the professional practice of psychology offered by accredited colleges and universities. No more than 20 credit may be obtained in this area.

(d) Continuing education courses approved by the psychology licensing board in another state where the participant is also licensed.

(e) Publishing a scholarly book or article in a peer-review journal relevant to psychology. No more than 20 credits may be obtained in this area.

(f) Home study courses including book, article, or online study sponsored or co-sponsored by an approved continuing education sponsor of the American Psychological Association. No more than 20 credits may be obtained in this area. No more than 8 hours in a single day.

(g) **Professional Activities.** Licensees may earn no more than 20 credits performing professional activities. Activities may include serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology, scientific grant review teams or board member of regulatory body.

(h) **Board Certification.** Licensees may earn 40 credits when they earn certification from the American Board of Professional Psychology. The 40 hours may only be approved for the biennium in which they earn the certification.

(i) **Ongoing Peer Consultation.** Licensees may earn 10 credits per biennium for case consultation. One hour of case consultation equals one credit.

(3) CREDIT FOR TEACHING AND PRESENTING. Continuing education credit shall be granted for teaching and presenting any of the programs or courses in sub. (2) (a), (b), (c) or (d), but no credit will be granted for subsequent presentations of the same material. No more than 20 credits may be granted for the initial program or course.

(4) PROOF OF ATTENDANCE AT CONTINUING EDUCATION PROGRAMS.

Applicants for renewal shall certify their attendance at required continuing education, but are not required to submit certificates of attendance unless the board requests the applicant to do so. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

(5) APPROVAL OF UNCOMPENSATED EVALUATION ASSISTANCE

SERVICES. (a) The board shall accept for continuing education credit voluntary, uncompensated services provided by psychologists in assisting the department of health services in the evaluation of community outpatient mental health programs, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours expended in necessary training by the department of health services, shall be deemed to equal one hour of acceptable continuing education for the purposes of this section.

(b) Psychologists wishing to apply for continuing education credit under this subsection shall register in advance with the board, and shall notify the board on forms provided by the board of the dates and the total number of hours in any biennium for

which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order received pursuant to requests for assistance received by the board from that department.

Note: Forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(6) LIMITATION ON CREDIT. The board may grant no more than 20 hours of credit for uncompensated evaluation assistance services, no more than 20 hours of credit for publishing a scholarly book or article, and no more than 20 hours of credit within any specific continuing education programs.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; cr. (5), (6), Register, October, 1995, No. 478, eff. 11-1-95; am. (1) (a), (b) and (d), (2) (a) and (3), cr.

(1) (g) to (i), (2) (f) and (4), Register, February, 1996, No. 482, eff. 3-1-96; r. (4) (c),

Psy 4.02 WISCONSIN ADMINISTRATIVE CODE 10

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Register March 2013 No. 687 on this Website Official?

am. (6), Register, December, 1997, No. 504, eff. 1-1-98; corrections in (5) made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1997, No. 504; r. and recr. (2) and (4), r. (3), Register, June, 1999, No. 522, eff. 7-1-99; r. (4) (b), Register, June, 2001, No. 546, eff. 7-1-01; CR 02-124: am. (1) (c), (2) (intro.) and (c), (4) and (6), cr. (2) (e) and (3) Register July 2003 No. 571, eff. 8-1-03; CR 04-021: am. (2) (intro.) and (c) Register July 2004 No. 583, eff. 8-1-04; corrections in (5) (a) made under s. 13.92 (4) (b) 6., Stats., Register March 2013 No. 687.

Psy 4.03 Renewal of a lapsed license. Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for renewal of the license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the continuing education requirements.

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice school psychologist under s. 455.04 (4), Stats. The examining board shall require each applicant under this subsection to have completed at least 40 hours of continuing education in the biennium preceding the application for renewal and to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. Register, November, 1992, No. 443, eff. 12-1-92; am. (intro.) and (2), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124: am. (2) Register July 2003 No. 571, eff. 8-1-03.

PSYCHOLOGY EXAMINING BOARD Psy 4.02

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(b) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.

(c) To meet the continuing education requirement, a licensee shall submit to the board a certificate of attendance upon the board's request.

(d) Unless granted a postponement or waiver under par. (g), a licensee who fails to meet the continuing education requirements by the renewal deadline shall cease and desist from practice.

(e) During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements.

(f) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 hours of continuing education approved by the board within 2 years prior to application.

(g) A licensee may apply to the board for a postponement or waiver of the requirements of this section on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

(h) The board may grant an exemption from the requirements of this section to a licensee who certifies to the board that he or she has permanently retired from the active practice of psychology.

(i) A licensee who has been granted an exemption from the requirements of this section based on retirement from the active practice of psychology may not return to the active practice of psychology without submitting evidence satisfactory to the board of having completed at least 40 credits of continuing education for each of the biennia during which the licensee was granted an exemption.

(j) **Specific Criteria.** Licensees shall obtain 6 credits of continuing education pertaining to the practice of psychology in any of the following areas: ethical issues, federal mental health laws and regulations, Wisconsin mental health laws and regulations, or risk management.

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(2) APPROVAL OF CONTINUING EDUCATION PROGRAMS. The board shall approve all of the following programs and courses if relevant to the professional practice of psychology:

(a) Continuing education programs and courses sponsored or co-sponsored by a presenter approved by the committee for the approval of continuing education sponsors of the American psychological association.

(b) Educational programs recognized as approved at the time of attendance as "category I" continuing medical education programs by the council on medical education of the American medical association or the American osteopathic association.

(c) Graduate level courses or continuing education courses relevant to the professional practice of psychology offered by accredited colleges and universities. No more than 20 credit may be obtained in this area.

(d) Continuing education courses approved by the psychology licensing board in another state where the participant is also licensed.

(e) Publishing a scholarly book or article in a peer-review journal relevant to psychology. No more than 20 credits may be obtained in this area.

(f) Home study courses including book, article, or online study sponsored or co-sponsored by an approved continuing education sponsor of the American Psychological Association. No more than 20 credits may be obtained in this area. No more than 8 hours in a single day.

(g) Professional Activities. Licensees may earn no more than 20 credits performing professional activities. Activities may include serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology, scientific grant review teams or board member of regulatory body.

(h) Board Certification. Licensees may earn 40 credits when they earn certification from the American Board of Professional Psychology. The 40 hours may only be approved for the biennium in which they earn the certification.

(i) Ongoing Peer Consultation. Licensees may earn 10 credits per biennium for case consultation. One hour of case consultation equals one credit.

(3) CREDIT FOR TEACHING AND PRESENTING. Continuing education credit shall be granted for teaching and presenting any of the programs or courses in sub. (2) (a), (b), (c) or (d), but no credit will be granted for subsequent presentations of the same material. No more than 20 credits may be granted for the initial program or course.

(4) PROOF OF ATTENDANCE AT CONTINUING EDUCATION PROGRAMS. Applicants for renewal shall certify their attendance at required continuing education, but are not required to submit certificates of attendance unless the board requests the applicant to do so. The board shall conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

(5) APPROVAL OF UNCOMPENSATED EVALUATION ASSISTANCE SERVICES. (a) The board shall accept for continuing education credit voluntary, uncompensated services provided by psychologists in assisting the department of health services in the evaluation of community outpatient mental health programs, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours expended in necessary training by the department of health services, shall be deemed to equal one hour of acceptable continuing education for the purposes of this section.

(b) Psychologists wishing to apply for continuing education credit under this subsection shall register in advance with the board, and shall notify the board on forms provided by the board of the dates and the total number of hours in any biennium for

which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order received pursuant to requests for assistance received by the board from that department.

Note: Forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(6) LIMITATION ON CREDIT. The board may grant no more than 20 hours of credit for uncompensated evaluation assistance services, no more than 20 hours of credit for publishing a scholarly book or article, and no more than 20 hours of credit within any specific continuing education programs.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; cr. (5), (6), Register, October, 1995, No. 478, eff. 11-1-95; am. (1) (a), (b) and (d), (2) (a) and (3), cr.

(1) (g) to (i), (2) (f) and (4), Register, February, 1996, No. 482, eff. 3-1-96; r. (4) (c),

Psy 4.02 WISCONSIN ADMINISTRATIVE CODE 10

The Wisconsin Administrative Code on this web site is updated on the 1st day of each month, current as of that date. See also [Are the Codes](#)

Register March 2013 No. 687 *on this Website Official?*

am. (6), Register, December, 1997, No. 504, eff. 1-1-98; corrections in (5) made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1997, No. 504; r. and recr. (2) and (4), r. (3), Register, June, 1999, No. 522, eff. 7-1-99; r. (4) (b), Register, June, 2001, No. 546, eff. 7-1-01; CR 02-124; am. (1) (c), (2) (intro.) and (c), (4) and (6), cr. (2) (e) and (3) Register July 2003 No. 571, eff. 8-1-03; CR 04-021: am. (2) (intro.) and (c) Register July 2004 No. 583, eff. 8-1-04; corrections in (5) (a) made under s. 13.92 (4) (b) 6., Stats., Register March 2013 No. 687.

Psy 4.03 Renewal of a lapsed license. Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for renewal of the license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the continuing education requirements.

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice school psychologist under s. 455.04 (4), Stats. The examining board shall require each applicant under this subsection to have completed at least 40 hours of continuing education in the biennium preceding the application for renewal and to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. Register, November, 1992, No. 443, eff. 12-1-92; am. (intro.) and (2), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124; am. (2) Register July 2003 No. 571, eff. 8-1-03.

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June 12, 2013

Mr. Dan Williams
State of Wisconsin
Department of Safety and Professional Services
1400 E. Washington Ave.
Madison, WI 53703

Dear Mr. Williams:

This letter relates to a review of the implications Executive Order 61 that I have undertaken as the designated reviewer on behalf of the Psychology Examining Board. The scope of work with which I was charged was to review existing rules and identify provisions that could utilize one of the following methods to reduce the impact the rule has on small businesses:

1. The establishment of less stringent compliance or reporting requirements for small businesses.
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
3. The consolidation or simplification of compliance or reporting requirements for small business.
4. The establishment of performance standards for small businesses to replace design or operational standards required in the rule.
5. The exemption of small businesses from any or all requirements of the rule.

In carrying out my review, I examined the Psychology Codebook that is available on the DSPS website. As I reviewed the material, I did not find specific references to "small businesses." The material I reviewed referenced individual practitioners (i.e., psychologists) or community organizations (i.e., mental health centers).

Relative to Criteria 1, 2, 3, and 5, above, I did not find any items that would benefit from the methods referenced. Relative to Criteria No. 4, I did not find a coherent, explicit set of performance standards for psychologists who operate in "small businesses," other than references to "mental health centers." If my review was accurate, then this area might benefit from further investigation in order to document and define specific performance standards.

It should be noted that the Psychology Examining Board is investigating ways in which the licensing process might be streamlined by examining some elements (e.g., forms, interview, ethics examination) that might be fine-tuned or improved. Undoubtedly, modifications along these lines will positively impact the efficiency of the licensing process for psychologists, in the future.

Mr. Dan Williams

June 12, 2013

Page 2

Mr. Williams, that is a brief summary of the results of my inquiry. Please call upon me with comments or questions.

Sincerely,

A handwritten signature in black ink that reads "Daniel A. Schroeder". The signature is written in a cursive style with a prominent initial 'D'.

Daniel A. Schroeder, Ph.D.

Member, Psychology Examining Board

Wisconsin Licensed Psychologist, No. 1854

Diplomate, American Board of Professional Psychology, No. 6045

Diplomate, American Board of Psychological Specialties, No. 14177

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 7/29/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 8/07/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational matters – discussion and consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: <ul style="list-style-type: none"> • ASPPB travel • Brickham letter • Lehman-Kessler letter • Ethics exam • CE audit • Suicide prevention/CE modification 			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 8/7/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? ASPPB 53rd annual meeting (October 16-20) – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: <div style="background-color: yellow; height: 20px; width: 100px; margin-bottom: 10px;"></div>			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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Licenses at Risk: A Focus on Disciplinary Issues

October 16 - 20, 2013
The Paris Las Vegas
Las Vegas, Nevada



DRAFT AGENDA (7/24/13)

Thursday, October 17, 2013

Thursday, October 17, 2013	
6:00 am – 11:59 pm	Office
7:30 am – 5:00 pm	Registration Area –
7:30 – 8:45 am	General Breakfast
7:30 – 8:45 am	First Time Attendee Breakfast
9:00 am	General Session – Business Meeting <ul style="list-style-type: none"> • Call to Order • Welcome Remarks • Introduction of Annual Meeting Committee • Introduction of Board of Directors and Staff • Certification of Delegate Attendance • Approval of Minutes of 52nd Annual Meeting • Continuing Education Instructions • Financial Report • Executive Officer Report • Nominations Committee Report with Nominations from the Floor
10:30 am	Break
10:45 am	Presentations by Nominees
11:10 am	PLUS
11:30 am	Mobility Committee Report
11:45 am	Lunch
1:15 pm	Exam Program Report <ul style="list-style-type: none"> • Committee on Exam Coordination • PES Report • Examination Committee • Item Development Committee •
1:45 pm	Bylaws – Proposed Changes

2:00 pm	Updates on Association Activities <ul style="list-style-type: none"> • Competency Assessment • Telepsychology • Supervision Task Force • National Standards • Behavior Analysis • Use of Volunteers • MARC
3:15 pm	Break
3:30 pm	MOCAL Q & A
4:00 pm	Use of Volunteers
4:30 pm	Recess
	Dinner on Your Own

Friday, October 18, 2013

6:00 am – 11:59 pm	Office
7:00 am – 5:00 pm	Registration
7:15 am	Breakfast
8:45 am	General Session <ul style="list-style-type: none"> • Call to Order & Announcements

SESSION 1

8:55 am	Meeting Overview
9:00 am	Keynote Address: “Custody and Related Issues: Tips for Regulators” <ul style="list-style-type: none"> • Q & A
10:00 am	“Jurisdictional Panel on Custody Issues” <ul style="list-style-type: none"> • Q & A
10:45 am	Balloting and Break

SESSION 2

11:00 am	Custody Scenarios (with Clickers) <ul style="list-style-type: none"> • Q & A
12:00 pm	Election Results Announced
12:15 pm (Champagne 3/4)	Awards Luncheon

SESSION 3

1:30 pm	Overview of Afternoon Session
1:45 pm	Keynote Address on Investigations <ul style="list-style-type: none"> • Q & A
2:45 – 3:00 pm	Break
3:00 pm	Jurisdictional Panel regarding Investigations <ul style="list-style-type: none"> • Q & A
3:30 pm	Legal and Ethical Implications Regarding Investigations
4:00 pm	Recess
6:00 pm	President's Dinner

Saturday, October 19, 2013

7:00 am	“THE RUN” – 3rd Annual ASPPB 5K Fun Run!
6:00 am – 11:59 pm	Office
7:15 am	Registration Area
7:15 – 8:30 am	Breakfast
8:30 am	General Session <ul style="list-style-type: none"> • Call to Order and Announcements

SESSION 4

8:40 am	Overview of Disciplinary Session
8:45 am	Legal, Ethical and Legislative Updates
10:00 am	Overview of ASPPB Disciplinary Data System
10:30 am	Break
10:45 am	Disciplinary Vignettes <ul style="list-style-type: none"> • Q & A
11:45 am	Cease & Desist
12:30 pm	Box Lunch
12:30 pm	Small Group Networking

OPTIONAL WORKSHOPS – SESSION 5

12:30 pm	Optional Workshops
	<ul style="list-style-type: none"> • New Board Member Training – (Room: Bordeaux)
	<ul style="list-style-type: none"> • Legal/Legislative Issues – Follow-up (Room: Burgundy)
	<ul style="list-style-type: none"> • CLEAR - (Room: Versailles 1/2)

2:30 pm	Recess
5:30 – 7:30 pm	President's Reception
Sunday, October 20, 2013	
6:00 am - 3:00 pm Versailles 4	Office
7:00 am – 3:00 pm	Registration Area
7:15 - 8:45 am	Breakfast
9:00 am	General Session <ul style="list-style-type: none"> • Call to Order
SESSION 6	
9:15 am	Licensing for Non-Health Care Psychologists <ul style="list-style-type: none"> • Q & A
10:15 am	Open Forum & Updates from Member Jurisdictions
10:30 am	Installation of New Officers <ul style="list-style-type: none"> • New President's Remarks
11:00 am	Adjourn

From: ascott@asppb.org [mailto:ascott@asppb.org]
Sent: Thursday, July 25, 2013 8:00 AM
To: Wood, Kimberly - DSPS
Subject: ASPPB 2013 Annual Meeting Registration



ASPPB 53rd Annual Meeting of Delegates

October 16 - 20, 2013

**Paris Las Vegas Hotel
Las Vegas, Nevada**

Registration is now open on our website

<http://asppb.net/2013AnnualMeeting>

ASPPB is updating its website. When using this online registration, you will be redirected to the new website. Your User Name is the first letter of your first name and your entire last name (JDoe). You will need to reset your password prior to logging into the system.

Registration is Open

Registration fee is \$290 (early bird special) for all alternate delegates, board staff, liaisons, and individual members. Delegates (1 from each jurisdiction is waived) please call the ASPPB Central Office to receive the discount code. Guest fee is \$100 and covers all meals and social functions.

The ASPPB room block rate at Paris Las Vegas is \$149 for week nights, and \$159 for weekend nights. Please call Paris Las Vegas Hotel (702-946-7000) before September 13, 2013 to receive this rate. The rooms in our block are on a first come basis, and are expected to go fast - so call soon.

A detailed brochure will be on the ASPPB website within the next few weeks that gives insights on speakers, topics and CE learning objectives. Check back often for the latest meeting information.

If you have any questions, please call ASPPB Central Office (678-216-1175) or email Anita Scott (ascott@asppb.org).

ASPPB 53rd Annual Meeting of Delegates

"Licenses at Risk: A Focus on Disciplinary Issues"

ASPPB - P O Box 3079 - Peachtree City, GA 30269

This email was sent to 'kimberly.wood@wisconsin.gov' from The Association of State and Provincial Psychology Boards. If you wish to stop receiving email from us, you can simply remove yourself by visiting: <http://asppb.site-ym.com/general/opt.asp?e=kimberly.wood@wisconsin.gov>

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Sent: Monday, June 10, 2013 10:14 AM

Subject: Psychologist Licensure--accepting fees question

Dear Mr. Tomer,

I am in the process of finding a licensed psychologist supervisor to supervise me so that I may attain 1,500 post doc hours. I will not be attending a formalized post doc program, but rather seeking the supervision of a local licensed psychologist in private practice.

My questions are regarding the paper that is entitled, "Supervision requirements for licensure in Wisconsin", Then, underneath "Setting Elements", "Fees for client services may not be billed independently or accepted by the trainee" PSY 2.09(3)(a)8

Can I use a LPC license to bill for work with clients, and still count these hours for my 1500 post doc hours? (I am in the process of finishing the LPC application.)

If not, can I receive an hourly paycheck from a psychologist's office, who would be billing under my LPC license? (So, they would collect the funds for my work through the LPC license, but pay me an hourly wage.)

A colleague of mine, who received the psychologist licensure in the Fall of 2012, told me that her agency billed under her LPC, she received a paycheck, and then was able to attain licensure as a psychologist. Ultimately, I'm wondering how I can complete 1500 hours and possibly receive some type of pay for my work--especially since I have a psychologist who is interested in supervising me, but works in private practice. I appreciate all of your help.

Best Regards,

Dana Brickham, PhD, CRC

Lecturer, Rehabilitation Psychology

University of Wisconsin-Madison

brickham@wisc.edu

608.333.8723

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Date: May 8, 2013

To: State Senator John Lehman
State Representative Fred Kessler

From: Bruce R. Erdmann, Ph.D.,
Chair Wisconsin Psychology Examining Board

RE: Proposed Legislation, referenced in Memo dated Feb. 18, 2013

The Psychology Examining Board met on March 25, 2013 and, per your request, discussed your proposed legislation regarding the revocation of a concealed carry permit for individuals who posed a significant danger to themselves or others such that a duty to warn situation existed.

Our board applauds your efforts in this area and is pleased to know you are working to clarify the processes in this difficult area of law. We have no opinion about the process by which the department of justice may render a person ineligible for, or to revoke, a permit to carry a concealed weapon. We do have concerns about the preliminary draft you sent us as it pertains to the role of mental health providers. Primarily, restriction on a person's rights to concealed carry should not follow so directly from the provider's concerns. Any such responsibility should lie with law enforcement or a governmental entity, but the process should be distal from the initial provider concern. To explain our position better, we offer the following considerations.

- The duty to warn or protect is often a crisis in which the mental health professional has a plausible reason to believe that a person (usually a client) poses an imminent danger to another person's safety such that action is necessary.
- A sufficient threat means the person is ready to violate state laws, moral codes, and the rights of others and is not deterred by reasonable, rational arguments or choices.
- To a person making a viable threat, the loss of a permit for concealed carry may mean little more than giving him or her evidence that the mental health provider is another person who cannot be trusted.
- We are uncomfortable with the possibility that a mental health impression could have such wide-ranging effect on an individual, given the overall unpredictability of violence (see below). We would have no objection to this being a result of a law enforcement action, assuming they are in a better position to investigate the situation and assess the full range of facts.
- It is appropriate for mental health practitioners to contact local police or the sheriff's office when exercising a duty to protect, but contacting the attorney general's office to ascertain the existence of a concealed carry permit does not seem like a role for the practitioner. It may be wise for local law enforcement to have the option to check for such a possibility if they consider the threat viable.

The current statutes provide little guidance concerning the duty to warn or protect. My quick search through the statutes finds only one listing of the phrase "duty to warn" in a footnote in chapter 51. To the best of my knowledge, the criteria for taking a "duty to warn" action are loosely defined in case law or common law, and might benefit from statutory clarification. Therefore, we would welcome changes similar to what you propose as 448.117; 455.085; and 547.29, but would suggest altered language.

- A licensed [profession] who has a duty to warn others about a threat of harm by a client, whether arising under the common law, a statute, or a rule of professional conduct, may also <fulfill the duty by disclosing>, without the consent of the client, disclose the threat to the department of justice so that the client will be ineligible for a license as provided in s. 175.60 (3) (h) <the appropriate law enforcement agency>. A licensed [professional] is not liable for damages in any civil action for disclosing a threat under this section.

RESOURCES:

There are many possible sources of information for legislative language concerning the duty to warn. The following internet resources provide a few.

National Conference of State legislators

<http://www.ncsl.org/issues-research/health/mental-health-professionals-duty-to-warn.aspx>, which contains a link to a report: Mental Health Professionals' Duty to Warn

American Psychological Association amicus briefs on ability to predict dangerousness. See [http://search.apa.org/search?facet=documenttype%3aAmicus%20Brief&query=\"duty to warn\"](http://search.apa.org/search?facet=documenttype%3aAmicus%20Brief&query=\) for a listing of various Amicus briefs on this topic, and <http://www.apa.org/about/offices/ogc/amicus/emerich.pdf> for a sample specific amicus brief.

The American Psychiatric association has taken this position: *...While psychiatrists can often identify circumstances associated with an increased likelihood of violent behavior, they cannot predict dangerousness with definitive accuracy. Over any given period some individuals assessed to be at low risk will act violently while others assessed to be at high risk will not...*
[see: <http://www.psychiatry.org/advocacy--newsroom/position-statements>, 2012, [Assessing the risk of violence](#) for the full statement]

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams – Executive Director		2) Date When Request Submitted: 7/29/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 8/7/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? WI Psychology Ethics Examination – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: <div style="display: flex; justify-content: space-between;"> Mr. Dan Williams July 16, 2013 </div> <p>State of Wisconsin Department of Safety and Professional Services 1400 E. Washington Ave. Madison, WI 53703</p> <p style="text-align: center;">Re: Psychology Ethics Examination</p> <p>Dear Mr. Williams:</p> <p>This letter relates to a review that I have recently completed regarding the current ethics examination used by the Department of Safety and Professional Services (DSPS) with individuals who are applying for licensure as psychologists in Wisconsin.</p> <p>Per my charge as the designated reviewer on behalf of the Psychology Examining Board, my initial inspection of the current ethics exam suggests that a thorough and comprehensive revision should be pursued. In brief, it appears that most of the test items need modification and some need to be checked against the statutes for accuracy.</p> <p>Mr. Williams, this is a brief summary of the results of my inquiry. I will be happy to share more specific observations at a future meeting of the Psychology Board. Please call upon me with comments or questions.</p> <p>Sincerely,</p> <p>Daniel A. Schroeder, Ph.D. Member, Psychology Examining Board Wisconsin Licensed Psychologist, No. 1854 Diplomate, American Board of Professional Psychology, No. 6045 Diplomate, American Board of Psychological Specialties, No. 14177</p>			

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**State of Wisconsin
Department of Safety and Public Services**

AGENDA REQUEST FORM

Name and Title of Person Submitting the Request: Lydia Bridge, Education and Exams Associate		Date When Request Submitted: 6/17/2013	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards 	
Name of Board, Committee, Council: Psychology Examining Board			
Board Meeting Date: 6/26/2013	Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	How should the item be titled on the agenda page? Continuing Education Audit for 2011-2013 Biennium	
Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	Is an appearance before the Board being scheduled? If yes, by whom? <input type="checkbox"/> Yes by _____ <input checked="" type="checkbox"/> No	Name of Case Advisor(s), if required:	
Describe the issue and action the Board should address: For discussion and consideration – the Office of Education and Examinations will conduct a random continuing education audit for Psychologist and School Psychologists following the license renewal deadline on September 30, 2013.			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Documents submitted to the agenda must be single-sided. 3. Only copies of the original document will be accepted. 4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
Authorization:			
Lydia Bridge			6/17/2013
Signature of person making this request			Date
Jill M. Remy			6/17/2013
Supervisor signature (if required)			Date
Bureau Director signature (indicates approval to add late items to agenda)			Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 7/29/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 8/7/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Suicide prevention education and possible regulatory modifications to Continuing Education in Wisconsin – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: The below Motion was from the Feb-2013 PSY Board meeting. Dr. Westendorf will do a verbal update as to her research of the matter. <p style="text-align: center;">SUICIDE PREVENTION EDUCATION</p> <p>MOTION: Melissa Westendorf moved, seconded by Daniel Schroeder, to thank Shel Gross and Janet McCord for appearing before the Board regarding suicide prevention education and possible regulatory modifications in regards to CE requirements. The Board welcomes any information provided by Shel Gross or Janet McCord regarding the standards for Washington or another state’s law regarding CE requirements for suicide prevention as well as the accreditation process for suicide prevention CE. Motion carried unanimously.</p>			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 7/29/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Psychology Examining Board			
4) Meeting Date: 8/07/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Position Statements - Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: In 2013 the Board will review the Position Statements (practice FAQs) currently on the DSPS website (Psychology page) to determine whether they should remain, be revised, or pulled entirely. These statements were transferred over from the old website in November-2012.			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 6/5/13 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN PSYCHOLOGY EXAMINING BOARD			
4) Meeting Date: 6/26/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Position Statements – discussion and consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <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: In 2013 the Board will review the Position Statements currently on the DSPS website (Psychology page) to determine whether they should remain, be revised, or pulled entirely. These statements were transferred over from the old website in November-2012. This month the Board will look items listed within the category titled <u>'THERAPY'</u>.			
11) Authorization			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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2. THERAPY

1) **WHEN A PRACTITIONER GOES ON VACATION, SHOULD THE CLIENTS PROVIDE A RELEASE OF INFORMATION TO ALLOW A COVERING PSYCHOLOGIST ACCESS TO CLIENT RECORDS?**

Informed consent, which allows the client to ask questions and possibly object to the dissemination of any information, is always a good idea, even when it is not legally necessary. It can consist of an actual "release of information" form signed by the client(s), especially if reinforced in a progress note, or as progress note reference to discussion of the issue. Informing the client of vacation and on-call procedures in the initial treatment agreement provides another way to inform the client and elicit any concerns. These procedures are especially important for clinic settings and multi-provider practices have no requirement to obtain releases of information when they have an on-call or coverage system. State law allows, "Within the treatment facility...confidential information may be disclosed to individuals employed...at the facility when and to the extent that performance of their duties requires that they have access to such information." [\[Stats. 51.30\(4\)\(b\)\(6\)\]](#) While written releases are not required, respect and courtesy calls for a discussion of the process with active clients near the start of vacation. We also recommend that clients be advised of their right to refuse to talk with on-call coverage.

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2. THERAPY

2) **SHOULD A PSYCHOLOGIST WHO IS LEAVING EMPLOYMENT CONTACT HIS/HER CLIENTS AND INFORM THEM OF THE CHANGE?**

There are a number of issues that must be considered including the [APA Ethical Principles and Code of Conduct](#), statutes that might apply to the particular employment setting (i.e., Wisconsin Certified Outpatient Mental Health Clinic), and any employment agreement that the psychologist might have with the employer. [The APA Ethical Principles and Code of Conduct](#) indicate that psychologists make reasonable efforts "...to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient." Likewise, [Psy 5.01\(31\)](#) states that psychologists must notify clients when service will be interrupted or terminated. Statutes or rules such as [DHS 35](#) or [Stats. 146.819](#) may define things such as ownership of the patient record. An individual psychologist's contract or employment agreement may also define what actions can be taken upon termination of employment, and may prohibit any attempts "to solicit" former clients/patients. All of the above must be considered, with the welfare of the client/patient being the primary concern.

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2. **THERAPY**

3) **IS IT PERMISSIBLE TO ACCEPT GIFTS FROM CLIENTS?**

The rules of conduct do not explicitly prohibit receipt of gifts. When a proffered gift represents a therapeutic issue or a possible manipulation, psychologists must exercise competent professional judgment. Acceptance of valuable gifts may create the impression of client exploitation.

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2. THERAPY

4) **MAY A PSYCHOLOGIST CONSULT WITH AND MAKE RECOMMENDATIONS TO A PATIENT AND HIS OR HER PRESCRIBING HEALTH CARE PROFESSIONAL REGARDING MEDICATION FOR THE PATIENT?**

Yes, the law allows a psychologist to consult with and provide recommendations to a patient or to a patient's prescribing health care professional regarding medication. The limitations that apply to these services apply to all services. A psychologist may only provide services that are consistent with the psychologist's training, education or experience. The psychologist also may not provide the health care prescriber with any patient information without a release from the patient. It is incumbent upon the psychologist to make sure that the patient understands that the psychologist may not prescribe medication and that the patient should rely on information about medication from his or her health care prescriber if the opinions of the psychologist and the health care prescriber differ. Further guidelines can be found in [Psy 5](#).

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2. **THERAPY**

5) **CAN A PROVIDER SEND A COMMUNICATION TO THE BOARD ASKING
ADVICE ON WHETHER OR NOT TO FILE A COMPLAINT?**

No, the provider should send the complaint to the Board and allow the Board to investigate the matter. The Board will not advise licensees about whether or not to file a complaint.

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2. **THERAPY**

6) **ARE TELETHERAPY AND INTERNET THERAPY PERMITTED IN WISCONSIN?**

Both methods are considered a part of the “practice of psychology” as defined in [Stats. 455.01\(5\)](#). However, practice protections as noted in Stats [455.02\(1m\)](#) require a Wisconsin license to practice psychology in the state. Therefore, psychologists that are using teletherapy with Wisconsin residents must have a license from the Wisconsin Psychology Examining Board.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Steve Engelbrecht, Paralegal On Behalf of Attorney Sandra Nowack Division of Legal Services and Compliance		2) Date When Request Submitted: July 30, 2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Psychology Examining Board			
4) Meeting Date: Aug. 7, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Motion to Designate Final Decision Maker in Case No. 12 PSY 020 Andrea Nelson.	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input checked="" type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: Rebecca Anderson	
10) Describe the issue and action that should be addressed: That the Board review the Motion to Designate a Final Decision Maker for this case and decide whether or not to issue an Order designating Chief Legal Counsel Michael J. Berndt as the Board's designated final decision-maker in this matter. Motion is presented in Open Session, discussed/deliberated in Closed Session, then voted upon in Open Session..			
11) Authorization			
<i>Steve Engelbrecht</i>		July 30, 2013	
Signature of person making this request		Date	
<i>[Signature]</i>		7/30/13	
Supervisor (if required)		Date	
<i>[Signature]</i>		7/31/13	
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.			

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
INVESTIGATION OF	:	
	:	DLSC Case No. 12 PSY 020
DR. ANDREA NELSON,	:	
RESPONDENT	:	

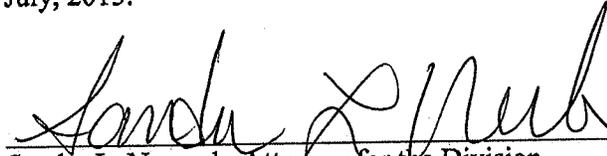
MOTION TO DESIGNATE FINAL DECISION-MAKER

The Division of Legal Services and Compliance, by attorney Sandra Nowack, together with Dr. Andrea Nelson, by her attorney, Hal Harlowe of Murphy Desmond, S.C., jointly request that the Board delegate to the Department of Safety and Professional Service's chief legal counsel, the Board's authority to resolve the above-encaptioned disciplinary matter. The parties' request is based on the following:

1. Pursuant to Wis. Stat. § 15.08 (5)(c) and Wis. Stat. § 455.09, the Wisconsin Psychology Examining Board is authorized to investigate allegations that a licensed psychologist has engaged in unprofessional conduct; to impose discipline or a forfeiture or both when unprofessional conduct is found; and, when the Board determines that disciplinary action is not warranted or advisable, to close cases without formal disciplinary action.
2. Pursuant to Wis. Stat. § 15.08(4), a quorum consisting of a majority of the membership of the Board must be present and available before the Board may take official action, including, but not limited to, imposing discipline or closing an investigation without disciplinary action.
3. On information and belief, in the instant case, a sufficient number of board members have conflicts of interest such that the Board is deprived of a quorum to take action.
4. Pursuant to Wis. Stat. § 227.46(1), the Board has the authority to, in its discretion, delegate its decision-making powers to agency employees to serve as the hearing examiner.
5. Pursuant to Wis. Stat. § 227.46(3)(a), the Board has the authority to, in its discretion, delegate that the hearing examiner's decision to be the final decision in the matter.

THEREFORE, pursuant to Wis. Stat. §§ 227.46(1) and 227.46(3)(a), and the Board's inherent authority to delegate final decision-making to an impartial attorney employed by the Department, the parties jointly move the Board to delegate to the Department's chief legal counsel the Board's authority to take action to resolve the instant case.

Respectfully submitted on this 29th day of July, 2013.



Sandra L. Nowack, Attorney for the Division
State Bar Number 1025643
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708
Tel. (608) 266-8098



Hal Harlowe, Attorney for Dr. Andrea Nelson
State Bar Number 1013213
Murphy Desmond, S.C.
33 E. Main Street, Suite 500
Madison, WI 53701-7181

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