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**PSYCHOLOGY EXAMINING BOARD MEETING**  
**Room 121A, 1400 East Washington Avenue, Madison, WI**  
**Contact: Dan Williams (608) 266-2112**  
**February 5, 2014**

*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.*

**9:30 A.M.**

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

- A. Adoption of Agenda (1-4)**
- B. Approval of Meeting Minutes of January 15, 2014 (5-10)**
- C. Administrative Matters – Discussion and Consideration**
  - 1) Staff Update
  - 2) Board member – term expiration date
    - a. Rebecca Anderson – 7/1/2014
    - b. Marcus Desmonde – 7/1/2017
    - c. Bruce Erdmann – 7/1/2014
    - d. Daniel Schroeder – 7/1/2015
    - e. Public Member 1: Vacant since 2011
    - f. Public Member 2: Vacant since 2012
- D. Review and Respond to Clearinghouse Report and Public Hearing comments for CR 13-103 relating to continuing education – Discussion and Consideration (11-28), (159-167)**
- E. Legislation/Administrative Rule Matters – Discussion and Consideration (29-35)**
  - 1) Update on Act 114 (30-33)
  - 2) Statement of Scope for PSY 2 (34-36)
  - 3) Status of Pending and Possible New Rule Projects
- F. Position Statements – Discussion and Consideration (37-40)**
- G. Board Member Continuing Education Review – Discussion and Consideration**
- H. Board Goals – Discussion and Consideration(41-42)**

- I. Items Received After Preparation of the Agenda
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Matters
  - 3) Presentations of Petition(s) for Summary Suspension
  - 4) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 5) Presentation of Proposed Final Decision and Order(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)
  
- J. Consulting with Legal Counsel
  
- K. 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.).**

- L. **Division of Legal Services and Compliance**
  - 1) Monitoring Matters
    - a. Raymond Lueck, Psy.D. **(43-60)**
  - 2) Deliberation of Proposed Stipulations Final Decisions and Orders
  - 3) Administrative Warning
    - a. 12PSY039; T.W., Psy.D. **(61-62)**
  - 4) Case closings
  - 5) Case status report **(63-64)**
  
- M. **Credentialing Matters**
  - 1) Jared S. Treiber **(65-118)**
  - 2) Riley C. McGrath **(119-157)**
  
- N. **Continuing Education Requests**
  - 1) Jane C. Harris

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

**ADJOURNMENT**

The next meeting is currently scheduled for April 4, 2014 at the adoption of this agenda.

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**PSYCHOLOGY EXAMINING BOARD  
MEETING MINUTES  
January 15, 2013**

**PRESENT:** Bruce Erdmann, Ph.D.; Daniel Schroeder, Ph.D.; Marcus Desmonde Psy.D.; Rebecca Anderson, Ph.D. (via GoTo Meeting);

**STAFF:** Dan Williams, Executive Director; Matthew Guidry, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Bruce Erdmann, Ph.D. called the meeting to order at 9:22 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to adopt the agenda as published. Motion carried unanimously.

**PUBLIC HEARING ON ADMINISTRATIVE RULE PSY 4 RELATING TO  
EDUCATION**

Public Hearing ended at 9:40 a.m. with public comment.

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to table the review and response to the Clearinghouse report and public hearing comments until the next Board meeting. The Board will extend the period for written comments to the close of business on January 31, 2014; copies of all comments will be made available to the Board members in advance. Motion carried unanimously.

**APPROVAL OF MEETING MINUTES OF NOVEMBER 5, 2013**

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to approve the minutes of November 5, 2013 as published. Motion carried unanimously.

## OFFICER ELECTIONS AND APPOINTMENT OF LIAISONS

### ELECTION OF OFFICERS

#### CHAIR

**NOMINATION:** Daniel Schroeder nominated Bruce Erdman for the Office of Chair.  
Nomination carried by unanimous consent.

Executive Director Dan Williams called for other nominations three (3) times.

Bruce Erdman was elected as Chair.

#### VICE CHAIR

**NOMINATION:** Marcus Desmonde nominated Daniel Schroeder for the Office of Vice Chair. Nomination carried by unanimous consent.

Executive Director Dan Williams called for other nominations three (3) times.

Daniel Schroeder was elected as Vice Chair.

#### SECRETARY

**NOMINATION:** Bruce Erdman nominated Rebecca Anderson for the Office of Secretary.  
Nomination carried by unanimous consent.

Executive Director Dan Williams called for other nominations three (3) times.

Rebecca Anderson was elected as Secretary.

| 2014 OFFICER ELECTION RESULTS |                  |
|-------------------------------|------------------|
| Board Chair                   | Bruce Erdmann    |
| Vice Chair                    | Daniel Schroeder |
| Secretary                     | Rebecca Anderson |

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to acknowledge the election results for 2014as listed above. Motion carried unanimously.

**Bruce Erdmann** *assumes* the role of Chair of the meeting.

*Daniel Schroeder assumes the role of Vice Chair of the meeting.*

*Rebecca Anderson assumes the role of Secretary of the meeting*

## APPOINTMENT OF LIAISONS AND COMMITTEE MEMBERS

The Chair appoints the following members to:

| <b>2014 LIAISON APPOINTMENTS</b>                        |                                  |
|---|----------------------------------|
| DLSC Monitoring Liaison(s)                              | Rebecca Anderson                 |
| DLSC Professional Assistance Procedure (PAP) Liaison(s) | Rebecca Anderson                 |
| Credentialing Liaison(s)                                | Marcus Desmonde,<br>Bruce Erdman |
| Continuing Education Liaison                            | Marcus Desmonde                  |
| Legislative Liaison                                     | Bruce Erdmann                    |

| <b>2014 SCREENING PANEL</b> |                                       |
|-----------------------------|---------------------------------------|
| January-December 2014       | Daniel Schroeder,<br>Rebecca Anderson |

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to acknowledge the appointments made by the Chair to the 2014 Liaisons and Screening Panel as noted in the above. Motion carried unanimously.

## DELEGATION MOTIONS

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" document. Motion carried unanimously.

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to delegate authority to the Continuing Education Liaison(s) to address all issues related to continuing education. Motion carried unanimously.

## LEGISLATION AND ADMINISTRATORS

**MOTION** Marcus Desmonde, seconded by Daniel Schroeder, to request DSPS staff to draft a Scope Statement revising, PSY 2 and to delegate Bruce Erdmann to advise DSPS staff as to creation of the scope statement. Motion carried unanimously.

## ASPBB REPORT

**MOTION** Marcus Desmonde, seconded by Rebecca Anderson, to acknowledge the appointment of Daniel Schroeder to the ASPPB Licensing Taskforce for Industrial/Organizational Psychologists. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Daniel Schroeder moved seconded by Marcus Desmonde, 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.). Bruce Erdmann read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Erdmann, Ph.D. – yes; Daniel Schroeder, Ph.D. – yes; Rebecca Anderson, Ph.D. – yes; Marcus Desmonde, Ph.D. – yes. Motion carried unanimously.

The Board convened into Closed Session at 11:49 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:40 p.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**MOTION:** Daniel Schroeder moved, seconded by Marcus Desmonde, to affirm all motions made in closed session. Motion carried unanimously.

## CASE CLOSING

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to close case # 12PSY 043 (B.M.) for Prosecutorial Discretion (P7). Motion carried unanimously.

*Bruce Erdmann recuses himself from voting and deliberations in the matter of 13PSY028 (J.J.) and relinquishes the role of the Chair.*

*Daniel Schroeder assumes the role of the Chair.*

**MOTION:** Marcus Desmonde moved, seconded by Rebecca Anderson, to close case # 13 PSY 028 (J.J.) for Insufficient Evidence. Motion carried.

*Bruce Erdmann resumes the role of the Chair.*

## CONTINUING EDUCATION REQUESTS

### JANE C. HARRIS – POSTPONEMENT OF CE

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to table the request of Jane C. Harris until the next Board meeting. Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Marcus Desmonde moved, seconded by Daniel Schroeder, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:41 p.m.

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

**AGENDA REQUEST FORM**

|   |  |   |  |
|---|--|---|--|
| 1) Name and Title of Person Submitting the Request:<br><br><b>Sharon Henes</b><br><b>Administrative Rules Coordinator</b>   |  | 2) Date When Request Submitted:<br><i>24 January 2014</i>   |  |
|   |  | Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul> |  |
| 3) Name of Board, Committee, Council, Sections:<br>Psychology Examining Board   |  |   |  |
| 4) Meeting Date:<br><br><b>5 February 2014</b>  | 5) Attachments:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No  | 6) How should the item be titled on the agenda page?<br><b>Review and respond to Clearinghouse Report and Public Hearing comments for CR 13-103 relating to continuing education.</b>   |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both   | 8) Is an appearance before the Board being scheduled? If yes, who is appearing?<br><br><input type="checkbox"/> Yes by _____ (name)<br><br><input type="checkbox"/> No | 9) Name of Case Advisor(s), if required:  |  |
| 10) Describe the issue and action that should be addressed:<br><br><p><b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b></p>  |  |   |  |
| 11) Authorization   |  |   |  |
| <i>Sharon Henes</i>   |  | <i>24 January 2014</i>  |  |
| Signature of person making this request   |  | Date  |  |
| Supervisor (if required)  |  | Date  |  |
| Bureau Director signature (indicates approval to add post agenda deadline item to agenda)   |  | Date  |  |
| Directions for including supporting documents:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.<br>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. |  |   |  |

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

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

An order of the Psychology Examining Board to renumber and amend Psy 4.03; amend Chapter Psy 4 (title); repeal and recreate Psy 4.02; and create Psy 4.015, 4.03, 4.04, and 4.05 relating to psychology continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

**Statutes interpreted:** §§ 455.06 and 455.065, Wis. Stats.

**Statutory authority:** §§ 15.08(5)(b) and 455.065(1) and (3), Wis. Stats.

**Explanation of agency authority:**

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

Specifically, the board shall promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses, and the criteria for the approval of continuing education programs and courses required for the exemptions from the examination requirements under s. 455.04(1)(e) and (4)(f).

**Related statute or rule:** § 455.06, Wis. Stats.

**Plain language analysis:**

The rule reorganizes and clarifies the continuing education requirements for psychologists.

Section 1 inserts the words “continuing education” into the title in order to provide an easy reference for licensees.

Section 2 creates a definition section.

Section 3 repeals the current continuing education requirements in order to reorganize and create clarity. This section is recreated to include the general continuing education requirements.

Section 4 moves the current Psy 4.03 section to the end of the chapter. In addition, the section is amended to specify the number of continuing education hours which must be completed to renew a license which expired less than five years from the application for renewal.

Section 5 creates three new sections. The first section specifies approved continuing education. A psychologist may obtain continuing education as follows: completing courses from an organization approved by the American Psychological Association or National Association of School Psychologists; category I courses approved by the American Medical Association or the American Osteopathic Association; courses approved in another state the licensee holder also holds a license; teaching and presenting programs or courses; serving on a professional board or committee; authorship of a book, book chapter or article in peer reviewed journal; board certification; completion of a master's or doctoral degree in psychopharmacology; providing supervision to trainees and evaluation of community outpatient mental health programs. The second section provides postponement, waiver and exemptions to the continuing education requirements based upon hardship or retirement. The third section specifies records of continuing education must be kept for a minimum period of six years. In addition, current rule requires a continuing education audit every biennium and this rule changes it to an audit may be done.

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

None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires 24 hours of continuing education and of those 24 hours at least 3 hours must be related to the ethics. Continuing education may be earned by participating in a course or program by an approved continuing education sponsor; postgraduate training programs and for teaching in the field of psychology in an accredited college, university, graduate school or as an instructor of a program by approved sponsors. Postgraduate course and teaching courses do have maximums as to the number to be counted towards the required 24 hours. Continuing education records are to be maintained for the previous 8 years. Illinois does have provisions for waivers of continuing education for hardship.

**Iowa:** Iowa requires 40 hours of continuing education each biennium. For the second renewal period, licensees' continuing education shall include 6 hours in either Iowa mental health laws and regulations or risk management. For all subsequent renewals, licensees' continuing education shall include 6 hours in any of the following: ethics, federal mental health laws, Iowa mental health laws or risk management. Board members may obtain continuing education hours based upon attendance and participation at board meetings. Continuing education may be earned as follows: mandatory reporter training; programs sponsored by the American Psychological Association or Iowa Psychological Association; approved workshops, conferences or symposiums; academic coursework; home study or electronically transmitted courses; scholarly

research published in recognized professional publication; and preparing and teaching courses or programs. Iowa does not have provisions on hardship waivers.

**Michigan:** Michigan does not require continuing education for psychologists.

**Minnesota:** Minnesota requires 40 hours of continuing education each biennium. Continuing education may be earned as follows: developing and teaching an academic course; attending courses or presentations based on scientific, practice or professional standards foundations; graduate level courses in psychology; developing presentation, or taped or computerized materials based on scientific, practice or professional standards foundations; and authoring, editing or reviewing a psychological publication. Continuing education records must be maintained for 8 years after the renewal date. Variances may be granted for completion of continuing education outside the biennium. The board randomly audits a percentage of renewing licensees each month for compliance with continuing education.

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

The Board considered the Association of State and Provincial Psychology Board's recommendations for continuing education and the continuing education requirements of other states. In addition, the Board reviewed the recent audit results to determine what issues required clarification for the credential holders.

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

#### **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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

#### **Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington

Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before January 15, 2013 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Chapter Psy 4 (title) is amended to read:

**REQUIREMENTS FOR RENEWAL AND CONTINUING EDUCATION**

SECTION 2. Psy 4.015 is created to read:

**Psy 4.015 Definitions.** In this chapter:

- (1) “Continuing education hour” means a period of continuing education consisting of not less than 50 minutes.
- (2) “Ethics” means content consistent with one or more of the American Psychological Association’s ethical principles of psychologists.
- (3) “Jurisprudence” means content relating to state and federal laws and regulations affecting the practice of psychology.
- (4) “Risk management” means content relating to the reduction of probability of incurring regulatory or malpractice actions in the practice of psychology.
- (5) “Trainee” means a person, who holds a doctoral degree in psychology, obtaining appropriate experience in psychological work under supervision per s. 455.04, Wis. Stats.

SECTION 3. Psy 4.02 is repealed and recreated to read:

**Psy 4.02 Continuing education.** (1) Unless granted a postponement or waiver under s. 4.04 every licensee shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.

- (a) A minimum of six hours of the required 40 continuing education hours shall be in ethics, risk management or jurisprudence.
- (b) Continuing education hours completed in the topics of supervision or suicide prevention shall be calculated as 1.5 times the numbers of continuing education hours obtained.
- (2) 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.
- (3) During the time between initial licensure and commencement of a full 2–year licensure period initial licensees shall not be required to meet continuing education requirements.
- (4) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 board approved continuing education hours within 2 years prior to application.

SECTION 4. Psy 4.03 is renumbered to Psy 4.06 and amended to read:

**Psy 4.06 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~~ 40 continuing education hours.

(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.

SECTION 5. Psy 4.03, 4.04 and 4.05 are created to read:

**Psy 4.03 Approved continuing education.** (1) 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 by an organization approved by one of the following:

1. American Psychological Association
2. National Association of School Psychologists

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

(d) Graduate level courses of three semester or six quarter credits or more relevant to the professional practice of psychology offered by accredited colleges and universities.

(e) No more than eight hours of continuing education hours may be credited per day for courses and programs in par. (a) through (c).

(2) Continuing education hours shall be granted for teaching and presenting any of the programs or courses in sub. (1) but no credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter may receive 2 continuing education hours for each hour of presentation with a maximum of 20 continuing education hours.

(3) Professional activity shall be awarded six hours of continuing education for each professional activity, however, no more than a total of 20 continuing education hours may be

granted for professional activity. Continuing education hours shall be granted for the following professional activities:

- (a) Serving on the American Psychological Association or its affiliated state psychological association board or committee.
- (b) Serving on the Psychology Examining Board.
- (c) Serving on the National Association of School Psychologists or its affiliated state association board or committee.
- (d) Serving on the American Board of Professional Psychology board or committee.
- (e) Serving on the Association of Psychology Postdoctoral Internship Centers board or committee.
- (f) Serving on the Association of State and Provincial Psychology Boards committee or board.
- (4) Continuing education hours shall be granted for first or second authorship of a publication relevant to psychology if the publication is contained in a peer-reviewed book, book chapter or article. Authors shall receive ten continuing education hours per authorship, but not more than a total of 20 continuing education hours may be granted for authorship.
- (5) Continuing education hours shall be granted for earning board certification recognized by the American Board of Professional Psychology. Licensees who successfully complete board certification shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the board certification process included those topics.
- (6) Continuing education hours shall be granted for completion of a master's or doctoral degree in psychopharmacology. Licensees who complete a master's or doctoral degree in psychopharmacology shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the coursework included those topics.
- (7) Continuing education hours shall be granted for providing supervision to one or more psychological trainees. Continuing education hours for providing supervision shall be calculated as .25 times the number of hours of supervision. No more than 20 continuing education hours may be obtained for supervision.
- (8) (a) Continuing education hours shall be granted for 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 continuing education hour 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 a 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.

**Psy 4.04 Postponement, Waiver and Exemptions** (1) 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.

(2) 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.

(3) 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.

**Psy 4.05 Record Keeping and Audits** (1) A credential holder shall retain for a minimum period of six years and shall make available to the board or its agent upon request the following proof of continuing education:

(a) Certificate of attendance issued by the program sponsor. The certificate shall include the name of credential holder, date, provider name, hours and title of course.

(b) Unofficial transcript for graduate level courses or psychopharmacology degree.

(c) Documentation of publication.

(d) Attestation form issued by the organization documenting professional activities including the dates of attendance.

(e) Documentation of board certification.

(f) Documentation verifying the dates and number of hours of voluntary, uncompensated services provided in assisting the department of health services.

(g) Attestation form documenting supervision including the dates of supervision and total number of hours per day.

(2) The board may 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.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Member of the Board  
Psychology Examining Board

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

Psy 4

---

3. Subject

Continuing education

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

Recent continuing education audits have revealed confusion in the continuing education requirements, including whether specific topic areas, if any, must be addressed by their continuing education.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for 14 days for economic comments and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.

None

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole. The rule addresses the licensee's continuing education.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the rule is to streamline the approval process for continuing education, reflect current continuing education programs and create clarity in the continuing education requirements.

The alternate is the rule will not be in conformity with the statutory requirements as it relates to required topics.

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14. Long Range Implications of Implementing the Rule

The long range implication is to create clarity in the continuing education requirements.

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15. Compare With Approaches Being Used by Federal Government

None

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Illinois requires 24 hours of continuing education with 3 hours in ethics. Iowa requires 40 hours of continuing education including designating topics for 6 hours. Minnesota requires 40 hours of continuing education. Michigan does not require continuing education for psychologists.

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17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

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



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz and Jessica Karls-Ruplinger  
*Clearinghouse Co-Directors*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 13-103

AN ORDER to renumber and amend Psy 4.03; to amend ch. Psy 4 (title); to repeal and recreate Psy 4.02; and to create Psy 4.015, 4.03, 4.04, and 4.05, relating to psychology continuing education.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

12-10-2013 RECEIVED BY LEGISLATIVE COUNCIL.

01-06-2014 REPORT SENT TO AGENCY.

SG:MSK

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 13-103

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

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

a. In SECTION 3 of the proposed rule, the re-use of s. “Psy 4.02” should be revised to instead create a new “Psy 4.025”, which should be created under its own new SECTION of the proposed rule. Re-use of numbers is discouraged in order to avoid confusion as to whether a reference is to the current or previous provision. [s. 1.03 (5) (a), Manual.] The following revisions should be made to conform to this new numbering:

- (1) In the treatment clause for SECTION 3, the phrase “and recreated to read” should be deleted.
- (2) The introductory clause for the proposed rule should be modified to accurately reflect these revisions.
- (3) In s. Psy 4.01, the reference to “Psy 4.02” should be amended to refer to “Psy 4.025”. The introductory clause should also be revised to reflect this treatment of s. Psy 4.01.
- (4) The subsequent SECTIONS should be renumbered to reflect these revisions.

b. In SECTION 5 of the proposed rule, the re-use of s. “Psy 4.03” should be revised to instead create a new “Psy 4.035”. Re-use of numbers is discouraged. [s. 1.03 (5) (a), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In the rule summary's listing of related statutes or rules, the reference to s. 455.06, Stats., should be removed, as it is already listed under the statutes interpreted by the proposed rule. If desired, this section could list initial licensing under s. 455.04, Stats., and chs. Psy 2 and 3, Wis. Adm. Code, as related statutes and rules.

b. In s. Psy 4.015 (5), "s. 455.04 (1) (d)" should replace "s. 455.04".

c. In s. Psy 4.04, references to "this chapter" should replace each reference to "this section".

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

a. Throughout the rule summary's plain language analysis, each reference to a numbered text "Section" should appear in small caps font as "SECTION".

b. In the rule summary's plain language analysis describing SECTION 4 of the proposed rule, "before" should replace "from".

c. In the rule summary's plain language analysis describing SECTION 5 of the proposed rule, the following revisions should be made:

- (1) Commas should replace the semicolons after "Psychologists" and "Association".
- (2) The word "or" should be inserted before "courses approved".
- (3) The phrase "in which" should be inserted before "the license holder".
- (4) The word "completing" should be inserted before "board certification".
- (5) The word "completing" should replace "completion of".
- (6) A semicolon should be inserted after "trainees".
- (7) The last sentence should be revised to state that, "In addition, the third section revises the current requirement for a mandatory audit of compliance with the continuing education requirements to instead allow a general audit to be conducted in the board's discretion."

d. In the rule summary's comparison with rules in Illinois, the following revisions should be made:

- (1) The first sentence could specify if Illinois' requirements are annual or biennial.
- (2) The word "completing" or "attending", whichever is accurate, should be inserted before "postgraduate training".
- (3) A semicolon should be inserted after "training programs".
- (4) The word "do" should be removed.

(5) The word “has” should replace “does have”.

e. In the rule summary’s comparison with rules in Iowa, the word “must” should replace both instances of “shall”.

f. In the rule summary’s description of the factual data and analytical methodologies, the word “the” before “recent audits” should be removed.

g. In the rule summary’s analysis and supporting documents used to determine the effect on small business, a description should be given.

h. In the rule summary’s listing of where to submit comments, the deadline should list the year “2014”, rather than “2013”.

i. In s. Psy 4.015 (5), the first comma should be removed, and “who is” should be inserted before “obtaining”.

j. In s. Psy 4.02 (1), the phrase “beginning October 1 of each odd-numbered year.” should replace “as specified in s. 455.06, Stats.”.

k. In s. Psy 4.06 (1), a phrase should be added to specify the timeframe within which the continuing education hours must be completed prior to the renewal application for a lapsed license. For example, the phrase “that were completed within the two years prior to submitting the application to the board” could be inserted after “continuing education hours”.

l. Although only renumbered and not revised in the proposed rule, is it the intent in s. Psy 4.06 (2) that the more detailed review of a lapsed license be applied to an application that is five years or more after a license expires? It is unclear which procedure applies in the fifth year itself. If it is the intent to apply the more detailed review during that year, in sub. (2), “5 years or more” should replace “more than 5 years”.

m. In s. Psy 4.03 (1) (a), periods should be inserted after the text in subds. 1. and 2.

n. In s. Psy 4.03 (1) (d), commas should be inserted to enclose the phrase “or more”. Also, the phrase “an accredited college or university” should replace “accredited colleges and universities”. Lastly, it would be helpful to specify the relation of graduate course credit hours to the defined “continuing education hour” under s. Psy 4.015 (1).

o. In s. Psy 4.03 (2), the word “or” should replace “and”. Also, it appears that “shall” should replace “may”.

p. In s. Psy 4.03 (3), the following revisions should be made:

(1) The phrase “A licensee” should replace “Professional activity”.

(2) The word “granted” should replace “awarded” in order to be consistent with the usage of “granted” throughout this section.

(3) The phrase “with a maximum” should replace “however, no more than a total”.

- (4) The phrase “, as follows” should replace “may be granted for professional activity. Continuing education hours shall be granted for the following professional activities”.
- q. In s. Psy 4.03 (4), the following revisions should be made:
- (1) A comma should be inserted after “book chapter”.
  - (2) The phrase “A licensee” should replace “Authors”.
  - (3) The phrase “with a maximum” should replace “but not more than a total”.
  - (4) The phrase “may be granted for authorship” should be deleted.
- r. In s. Psy 4.03 (5), the phrase “A licensee” should replace “Licensees”, and “completes” should replace “complete”.
- s. In s. Psy 4.03 (6), the phrase “A licensee” should replace “Licensees”, and “completes” should replace “complete”. Also, it appears that the phrase “at least six hours on” should be inserted before “those topics”.
- t. In s. Psy 4.03 (7), the phrase “, with a maximum of” should replace “. No more than”, and the phrase “may be obtained for supervision” should be deleted.
- u. In s. Psy 4.03 (8) (a), the following revisions should be made:
- (1) The word “a” should be inserted before “community”.
  - (2) The word “outpatient” should be deleted as it is not part of the defined phrase for a “community mental health program” under s. 51.01 (3n), Stats.
  - (3) The word “program” should replace “programs”.
  - (4) The words “expended” and “necessary” should be deleted.
  - (5) The word “required” should be inserted after “training”.
  - (6) The phrase “are equal to” should replace “shall be deemed to equal”.
- v. In s. Psy 4.03 (8) (b):
- (1) If it is intended that evaluation of a community mental health program should be available to a private practice school psychologist, then “A licensee” should replace “Psychologists”.
  - (2) The word “form” should replace “forms”.
  - (3) The phrase “applications are” should be inserted after “order”.
  - (4) The phrase “pursuant to requests for assistance received by the board from that department” should be deleted.
- w. In s. Psy 4.04 (2), the phrase “or the private practice of school psychology” should be inserted after “psychology”.

- x. In s. Psy 4.04 (3), the following revisions should be made:
  - (1) The phrase "or the private practice of school psychology" should be inserted after the first instance of "psychology".
  - (2) The phrase "to active practice" should replace "to the active practice of psychology".
  - (3) It appears that the requirement for a licensee who was exempted from continuing education requirements to complete at least 40 credit hours for each biennia of the exemption may be broader than desired. This could be revised to more closely match the requirements for renewal of a license that has lapsed for five or more years, under s. Psy 4.06 (2) of the proposed rule, by requiring an exempted licensee to have completed at least 40 hours of continuing education in the biennium preceding the return to active practice. If not limited to the biennium prior to a return to active practice, the rule should be revised to more clearly state whether the 40 hours for each biennium must have been completed during each exempted biennium, or whether the total must simply be equal to 40 hours for each exempted biennium.
- y. In s. Psy 4.05 (1), the word "licensee" should replace "credential holder".
- z. In s. Psy 4.05 (1) (a), the following revisions should be made:
  - (1) The phrase "the licensee" should replace "credential holder".
  - (2) The phrase "of attendance" should be inserted after "date".
  - (3) The word "sponsor" should replace "provider".

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

**AGENDA REQUEST FORM**

|   |  |   |  |
|---|--|---|--|
| 1) Name and Title of Person Submitting the Request:<br><br><b>Sharon Henes</b><br><b>Administrative Rules Coordinator</b>   |  | 2) Date When Request Submitted:<br><i>27 January 2014</i>   |  |
|   |  | Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others      |  |
| 3) Name of Board, Committee, Council, Sections:<br>Psychology Examining Board   |  |   |  |
| 4) Meeting Date:<br><br><b>5 Feb. 2014</b>  | 5) Attachments:<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No   | 6) How should the item be titled on the agenda page?<br><b>Legislative and Rule Matters – Discussion and Consideration</b><br><b>1. 13 Act 114</b><br><b>2. Scope statement for Psy 2</b> |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both   | 8) Is an appearance before the Board being scheduled? If yes, who is appearing?<br><input type="checkbox"/> Yes by _____ (name)<br><br><input type="checkbox"/> No | 9) Name of Case Advisor(s), if required:  |  |
| 10) Describe the issue and action that should be addressed:   |  |   |  |
| 11) Authorization   |  |   |  |
| <i>Sharon Henes</i>   |  | <i>27 January 2014</i>  |  |
| Signature of person making this request   |  | Date  |  |
| Supervisor (if required)  |  | Date  |  |
| Bureau Director signature (indicates approval to add post agenda deadline item to agenda)   |  | Date  |  |
| Directions for including supporting documents:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.<br>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. |  |   |  |

# State of Wisconsin



2013 Senate Bill 337

Date of enactment: **December 19, 2013**  
Date of publication\*: **December 20, 2013**

## 2013 WISCONSIN ACT 114

AN ACT *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and amend* 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to repeal and recreate* 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements for various professional credentials and powers of the Board of Nursing.

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

**SECTION 1.** 39.393 (1) (c) of the statutes is amended to read:

39.393 (1) (c) A program in this state that confers a 2nd degree that will make the person eligible to sit for examination licensure under s. 441.04 ~~441.06~~ or 441.10.

**SECTION 2.** 253.10 (7) of the statutes is amended to read:

253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

**SECTION 3.** 440.071 of the statutes is created to read:  
**440.071 No degree completion requirement to sit for examination.** (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

**SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who has graduated~~ The applicant graduates from a high school or its equivalent as determined by the board, ~~does.~~

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335; ~~holds.~~

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

\* 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."

located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for licensure by the board as a registered nurse, and upon payment of:

(d) The applicant pays the fee specified under in s. 440.05 (1) shall be entitled to examination.

**SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and amended to read:

441.06 (1) (intro.) An Subject to s. 441.07 (1g), the board shall grant a license as a registered nurse to an applicant for licensure as a registered nurse who complies with all of the following requirements of this subchapter and satisfactorily passes an:

(e) The applicant passes the examination shall under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

(1m) The holder of such a license as a registered nurse under the laws of another state or territory or province of Canada may be granted a license as a registered nurse in this state without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).

**SECTION 6.** 441.07 (title) of the statutes is repealed and recreated to read:

**441.07 (title) Disciplinary proceedings and actions.**

**SECTION 7.** 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g) (intro.), as renumbered, is amended to read:

441.07 (1g) (intro.) The board may, after disciplinary proceedings conducted in accordance with Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, a nurse-midwife, or a licensed practical nurse, may deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16; or may reprimand a registered nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person applicant or licensee committed any of the following:

**SECTION 8.** 441.07 (1c) of the statutes is created to read:

441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

**SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and amended to read:

441.10 (3) (a) 1. 'Prerequisites for examination as licensed practical nurses.' ~~A person who~~ The applicant is 18 years of age or older, ~~does,~~

2. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, ~~has,~~

3. The applicant has completed 2 years of high school or its equivalent as determined by the board ~~and holds,~~

4. The applicant holds a diploma of graduation from an accredited school for licensed practical nurses approved by that ~~the~~ board, ~~may apply to the board for licensing as a licensed practical nurse, and, upon payment of the examination.~~

5. The applicant pays the fee specified in s. 440.05 (1), shall be entitled to take an examination.

(ag) Any school for licensed practical nurses, in order to be accredited, must offer a course of not less than 9 months.

**SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.) and amended to read:

441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~ Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse to an applicant for licensure as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse. who satisfies all of the following conditions:

(ar) The holder of the a license under this subsection is a "licensed practical nurse" and may append the letters "L.P.N." to his or her name. The board may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.

**SECTION 11.** 441.10 (3) (a) 6. of the statutes is created to read:

441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

**SECTION 12.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a license to engage in the practice of nurse-midwifery to any person licensed as a registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2) (j), who does all of the following:

**SECTION 13.** 441.16 (2) of the statutes is amended to read:

441.16 (2) ~~The Subject to s. 441.07 (1g), the~~ board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training, and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.

**SECTION 14.** 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21, is renumbered 442.04 (5) (a).

**SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and amended to read:

442.04 (5) (b) 3. ~~A person may not take the examination leading to the certificate to practice as a certified public accountant unless the~~ The person has completed at least 150 semester hours of education with an accounting concentration at an institution, and has received a bachelor's or higher degree with an accounting concentration from an institution, except as provided in par. (c).

**SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and amended to read:

442.04 (5) (c) If an applicant has a bachelor's or higher degree from an institution, and satisfies the other conditions under par. (b), but does not have an accounting concentration required in par. ~~(bm) (b) 3.,~~ the examining board may review such other educational experience from an institution as the applicant presents and, if the examining board determines that such other experience provides the reasonable equivalence of an accounting concentration required in par. ~~(bm) (b) 3.,~~ the examining board shall approve grant a certificate as a certified public accountant to the applicant for examination.

**SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and amended to read:

442.04 (5) (b) (intro.) The examining board may not grant a certificate as a certified public accountant to any person other than a person who is satisfies all of the following conditions:

1. The person is 18 years of age or older, ~~does,~~
2. The person does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, ~~and, except,~~
4. Except as provided in s. 442.05, the person has successfully passed an examination in such subjects affecting accountancy as the examining board considers necessary. ~~The examining board may not grant the certificate unless the applicant has~~

5. The person has at least one year of public accounting experience or its equivalent, the sufficiency of the experience or the equivalency to be judged by the examining board.

(d) The examining board shall ensure that evaluation procedures and examinations under this subsection are nondiscriminatory, relate directly to accountancy, and

are designed to measure only the ability to perform competently as an accountant. The examining board may use the examination service provided by the American Institute of Certified Public Accountants.

**SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

445.045 (1) (g) The person must have successfully passed a comprehensive examination conducted by the examining board as required by s. 445.04. ~~The examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.~~

**SECTION 19.** 449.04 (title) of the statutes is amended to read:

**449.04 (title) Examination and licensure.**

**SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and amended to read:

449.04 (1) (intro.) Licenses The examining board may grant a license to engage in the practice of optometry shall be issued only to persons a person who pass satisfies all of the following conditions:

(c) The person passes an examination approved or conducted by the examining board. ~~An applicant who qualifies under s. 449.05 may take any examination approved or administered by the examining board upon payment of~~

(d) The person pays the fee specified in s. 440.05 (1).

**SECTION 21.** 449.05 (intro.) of the statutes is repealed.

**SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

**SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

**SECTION 24.** 449.055 (5) of the statutes is amended to read:

449.055 (5) The person satisfies the requirements under s. ~~449.05~~ 449.04 (1) (a) and (b).

**SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and amended to read:

450.03 (2) (intro.) The Except as provided in s. 450.10, the board shall issue a license as a pharmacist to any person who files satisfactory proof of qualifications under s. 450.04 (3), passes does all of the following:

(c) Passes the examination under s. 450.04 ~~and pays,~~

(d) Pays the fee specified in s. 440.05 (1), ~~except as provided under s. 450.10.~~

**SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and amended to read:

450.04 (3) Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall also submit proof to the board that he or she:~~

**SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and amended to read:

450.03 (2) (a) Has received a professional degree from a pharmacy program approved by the board; ~~and,~~

**SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and amended to read:

450.03 (2) (b) Has completed an internship in the practice of pharmacy or has practical experience acquired in another state ~~which that~~ is comparable to that included in an internship and ~~which that~~ is approved and verified by the board or by the agency ~~which that~~ is the equivalent of the board in the state in which the practical experience was acquired.

**SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

**SECTION 30.** 451.06 (2) of the statutes is repealed.

**SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

**SECTION 32.** 454.07 (3) of the statutes is repealed.

**SECTION 33.** 454.24 (3) of the statutes is repealed.

**SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended to read:

**456.03 Licenses.** (intro.) An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with the any other requirements for licensure under this chapter ~~and passed the examination~~ shall be granted a license by the examining board, certifying that the applicant has met the

requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator; ~~and,~~

**SECTION 35.** 456.03 (5) of the statutes is created to read:

456.03 (5) Passes the examination under s. 456.05.

**SECTION 36.** 456.04 (intro.) of the statutes is repealed.

**SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

**SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

**SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).

**SECTION 40.** 456.04 (4) of the statutes is renumbered 456.03 (4).

**SECTION 41.** 459.26 (3) of the statutes is amended to read:

459.26 (3) An individual is not eligible for examination unless he or she ~~has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and,~~ at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

# STATEMENT OF SCOPE

## PSYCHOLOGY EXAMINING BOARD

Rule No.: Psy 2

Relating to: Licensure

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 proposed rule is to update the rule to reflect the changes due to Wisconsin 13 Act 114. In addition, the objective is to streamline, clarify and update the licensure and examination process for applicants.

**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:**

Wisconsin 13 Act 114 allows an applicant to take any required examination prior to graduation. The rule needs to be updated to reflect this change in the statute.

The code contains outdated practices and procedures. This proposed rule would review and update all licensure and examination requirements in the interest of streamlining the process while maintaining the health, safety and welfare of the public.

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

§ 15.08(5)(b) 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.

§ 455.08 The examining board shall adopt such rules as are necessary under this chapter

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

100 hours

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

Psychology applicants

**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):**

Minimal to none. It is not likely to have an economic impact on small businesses.

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

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Department Head or Authorized Signature

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Date Submitted

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## 6. SUPERVISION

### 1) CAN A TRAINEE HAVE ONLY ONE SUPERVISOR?

No. In order for the trainee to have diversity in training, they may be supervised by several licensed psychologists with different levels of expertise. This is noted in [Psy 2.09 \(3\)\(a\)\(5\)](#). While the trainee can have several supervisors, the primary supervisor that is specified in [Psy 2.09\(3\)\(a\)\(2\) and \(3\)](#) will be the responsible party for the quality of the trainee's overall work.

### 2) WHEN DOCUMENTING THE NUMBER OF HOURS OF SUPERVISED EXPERIENCE, WHAT SERVICES COUNT TOWARD "FACE-TO-FACE CLIENT CONTACT HOURS" AND WHAT SERVICES COUNT TOWARD "DIRECT SERVICE HOURS"?

"Face-to-face client contact hours" are those spent working directly with your client. "Direct service hours" are those activities a psychologist performs that support the provision of face-to-face client contact hours. As described in [Psy 2.09\(3\)\(a\)\(9\)](#), examples of direct service hours include note and report writing, studying test results, case consultations and reviewing published works relating to the client's needs. Direct service hours do not include face-to-face client contact hours.

### 3) CAN A TRAINEE RECEIVE PAYMENT FOR SERVICES PROVIDED DURING HIS OR HER SUPERVISORY TRAINING PERIOD?

Per [Psy 2.09 \(3\)\(a\)\(8\)](#), "The trainee must inform potential clients in writing of his or her trainee status, lack of license, and of the possibility that insurance companies may not reimburse services rendered by the nonlicensed trainee. Fees for client services may neither be billed independently nor accepted by the trainee." Trainees may not direct bill or charge for services and receive payment directly, however this is not to say that the clinic in which they work can't bill for services and then pay the trainee as a service provider, with the caveat being that insurance carriers may choose not to reimburse for services provided by trainees. Please note that the Board does not regulate or provide information about billing/business practices, proper coding, etc. Professional associations and practice mentors are a more appropriate resource.

### 4) WHAT IS WITHIN THE SCOPE OF PRACTICE OF A PSYCHOLOGY TRAINEE/INTERN?

If the supervising licensed psychologist has sufficient training and experience in treatment of a particular disorder, they can train the resident intern in that area and the resident intern can provide those services (under supervision). See standards of supervised training outlined in [Ch. Psy 2.09](#) for additional information.

5) CAN SUPERVISION BE OBTAINED THROUGH AN OUTSIDE CONTRACT?

[Psy 2.09 \(3\)\(b\)](#) notes that Supervisors shall not be a relative by blood or marriage nor be involved in any other dual relationship which obliges the supervisor to the trainee. Paying a supervisor creates a dual relationship. Therefore, if a supervisor is in a paid contract with the trainee, this would create a dual relationship.

6) CAN UNLICENSED PERSONS PROVIDE PSYCHOLOGICAL SERVICES?

Under the exceptions listed in [Stats. 455.02 \(2m\)\(b\)](#) a person may provide psychological services as directed by a psychologist who has the power to direct, decide and oversee the implementation of the services provided. In this sense, the services would be provided under the license of the psychologist and therefore any discipline that would be raised against the unlicensed individual would be reflected under the license of the supervisor.

## 7. FEES/REFERRALS

1) FEE SPLITTING FOR REFERRALS – IS THIS ACCEPTABLE?

While the rules do not explicitly prohibit this, [Psy 5.01\(22\)](#) does provide guidelines as to the appropriate process for fee splitting. If the client is aware of the entire financial picture it is acceptable to charge a client directly for a referral and receive a kickback. By knowing the entire picture the client must know who is involved, how an amount is determined and the actual dollar figure.

2) ARE FEES AND FEE DISPUTES REGULATED BY THE PSYCHOLOGY EXAMINING BOARD?

No, the board does not intercede in disputes involving issues such as fee disputes. However, the Wisconsin Psychological Association's Professional Issues Committee and its Ombudsman do respond to inquiries regarding disputes between professionals, ethics concerns regarding psychologists who are WPA members, and issues such as fee disputes. See the "[Organizations](#)" page for information on the WPA.

## 8. ETHICS

- 1) IS THERE A REQUIREMENT FOR ME AS A CREDENTIALLED PROFESSIONAL TO REPORT UNPROFESSIONAL CONDUCT BY ANOTHER MEMBER OF MY OWN PROFESSION?

No. Child abuse must be reported, and the reporting of sexual abuse by a therapist must be discussed with the victim, but mandatory reporting of unprofessional conduct has not been added to the Code of Professional Conduct. There is a statute, section [440.042 \(2\)](#), that encourages people to report unprofessional conduct by a grant of civil immunity (“any person who in good faith ... provides the department or any examining board ... with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability”) but a credential-holder is not subject to disciplinary action for failing to report unprofessional conduct by another.

- 2) CAN OUT OF STATE CREDENTIALS BE USED IN MARKETING MATERIALS SUBMITTED IN WISCONSIN?

Title protection language found in [Wis. Stats. 455.02](#) specifies that the use of the title “psychologist” or “licensed psychologist” requires the Wisconsin license. Likewise, [Psy 5.01\(1\)](#) contains standards for conduct in advertising. This appears to prohibit the use of out-of-state credentials in Wisconsin sales materials.

- 3) WHAT ARE THE CE REQUIREMENTS FOR THE CURRENT BIENNIUM?

Requirements for the current biennium can be found at the Board of Psychology's [Education Web Page](#) on the Department Website.

- 4) IS SUSPECTED ELDER ABUSE A MANDATED REPORTING REQUIREMENT?

No. Currently, it is discretionary. However, the duty to warn and protect remains relevant.

5) IS A PSYCHOLOGIST MANDATED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT IF THE INFORMATION IS OBTAINED FROM AN ALLEGED PERPETRATOR OR PERSON OTHER THAN THE ALLEGED CHILD VICTIM?

No. [Stats. 48.981 \(The Children's Code\)](#) mandates specific individuals including mental health professionals to report to the appropriate agency when, in the course of professional duties *with the child*, there is a reasonable suspicion that the child has been abused or neglected or has been threatened with abuse or neglect.

When the suspicion of child abuse or neglect is obtained from an alleged perpetrator or person other than the alleged child victim, a psychologist **MAY** report this suspicions without liability of the report is made in good faith. In addition, in accordance with two California Supreme Court rulings (1974 & 1976) a psychologist MAY have a duty to warn or protect victim or intended victim(s) or risk a negligence claim. Finally, most psychologists would consider such an action to fall within the [APA Ethical Principles of Psychologists and Code of Conduct \(2002\)](#) if there is reasonable suspicion that a child is currently being harmed or if that child or other children are still at risk of abuse or neglect.

6) IS A 14 YEAR OLD'S PERMISSION NEEDED BEFORE RECORDS CAN BE RELEASED, AND CAN A MINOR WHO IS 14 OR OLDER BLOCK RELEASE OF RECORDS?

No to both questions. While a child over 14 may release mental health records, the parents also retain the ability to release and access records, even without the child's permission, unless denied periods of physical placement after divorce as stated in [Stats. Ch. 767 \(Actions Affecting the Family\)](#). Under statutes [51.30\(5\)\(a\)](#) and [48.396\(1b\)](#), either a child over the age of 14 or his/her parents or legal guardian may release records without the signed release of the other. Thus, a child 14 or older cannot deny a parent access to his/her mental health records or prevent release of these records, unless that parent has been denied periods of physical placement. Parents may certainly be asked to respect confidentiality but cannot legally be denied access to records (even if it is not in the child's best interests) without a court order.

Under [Stats. 51.47 \(2\)](#) a health care provider or outpatient facility may only release records regarding outpatient, or detoxification, drug or alcohol services WITH the consent of a minor patient, provided the minor is 12 years of age or older

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

**AGENDA REQUEST FORM**

|  |  |  |  |
|--|--|--|--|
| 1) Name and Title of Person Submitting the Request:<br><br><b>Matthew Guidry Bureau Assistant</b>  |  | 2) Date When Request Submitted:<br><br>Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul> |  |
| 3) Name of Board, Committee, Council, Sections:<br><br><b>Psychology Examining Board</b>   |  |  |  |
| 4) Meeting Date:<br><br><b>1/15/2014</b>   | 5) Attachments:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No  | 6) How should the item be titled on the agenda page?<br><br><b>Board Goals for 2014</b>  |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both  | 8) Is an appearance before the Board being scheduled? If yes, who is appearing?<br><input type="checkbox"/> Yes by<br><input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required:<br><br>N/A  |  |
| 10) Describe the issue and action that should be addressed:<br><br><b>Requested by the Executive Director to add a line item to discuss and consider creating a Board Goals list for the calendar year.</b>  |  |  |  |
| 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:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.<br>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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