

**Report From Agency**

**STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
PSYCHOLOGY EXAMINING BOARD : CR 16-062**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS: N/A**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The purpose of the rule is to implement 2013 Wisconsin Act 114 which allows an applicant to take any required examination prior to graduation. The code also contained outdated practices and procedures, as well as provisions which go beyond the Board's statutory authority. This rule updated all licensure and examination requirements in the interest of streamlining the process and bringing the rules into statutory compliance while maintaining the health, safety and welfare of the public.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Psychology Examining Board held a public hearing on November 29, 2016. No one testified at the hearing, or submitted written comments:

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment 1a:** It is not clear why the analysis section says the rules are being updated to "conform to" and "align" with the statutes when the statutes being interpreted have not changed. The board could consider whether a different explanation of the reason for the proposed changes would be clearer.

**Response:** The Board is promulgating the rule to "conform to" and "align" with statutes. While the statutes being interpreted have not changed, the current rules have thresholds for licensing standards which go beyond the statutory requirements. The Board reviewed

the rules in light of 2011 Act 21 and Executive Order 50 and is promulgating this rule to conform and align the rules to statutes.

**Comment 1b:** The proposed rule removes s. Psy 3.04 regarding scheduling and notice of exams. Section 455.045(3), Stats., states the board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance of examinations. It does not appear that the regulations as proposed establish standards for public notice of examinations.

**Response:** Section 455.045 indicates the examining board shall administer an examination and provide the public notice of the examination. The Board no longer writes or administers the examination for the private practice of school psychology and instead utilizes a national examination. The Board has no control over the schedule or notice of the examination. Therefore, the statute and the corresponding rule are obsolete. The rule does contain a provision for accepting the recommendation of the examination provider for the acceptable performance on the examination.

**Comment 5b:** The examinations required in s. Psy 3.01 (6) and (7) are not clearly identified. Consider referring to the examinations identified in the statutes. In s. Psy 3.01 (6), considering referring to the exam identified in s. 445.045 (2) (a), Stats. In s. Psy 3.01 (7), consider referring the to examination identified in s. 445.045 (2) (b), Stats.

**Response:** The identification of the examinations by name creates clarity for the applicant to know exactly what examination is required. If the Board were to use the exam identified in s. 445.045 (2) (a) which is “a written examination on the private practice of school psychology”, an applicant would not know that the required written exam is the Praxis School Psychology examination. Section Psy 1.02 (6m) defines the jurisprudence exam (examination identified in s. Psy 3.01 (7)) as the examination on the elements of practice essential to the public health, safety, or welfare (examination identified in s. 445.045 (2) (b), Stats.).

**Comment 5c:** Section Psy 3.01 (9) does not state who decides what information is necessary for the board’s determination. The board could consider rephrasing this section to require, for example, submission of “all information requested by the board to determine...”

**Response:** If the board stated the requirement as “all information requested by the board to determine”, then the board would have to review the application and then initiate the request for information rather than the applicant submitting the information with the application which will speed up the licensing process. If the Board requires additional information, then the Board may make that request.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

This rule does not have an effect on small business.