

Report From Agency

**STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PSYCHOLOGY EXAMINING BOARD : CR 21 - 016**

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 current Psychology Examining Board rules are silent on telehealth. This rule will include a uniform definition of telehealth given by 2021 Wisconsin Act 121, and specify psychologists are to hold a Wisconsin license or have valid certificates through the Psychology Interjurisdictional Compact or PSYPACT (2021 Wisconsin Act 131) in order to diagnose and treat patients located in Wisconsin and are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth. The Psychology Examining Board seeks to revise its rules to provide greater clarity for psychologists with regards to the practice of telehealth.

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 March 31, 2021. We received a public comment from Danielle McGinnis. The comment did not contain any recommendations on the rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Back in March of 2021, the Clearinghouse Report recommended specifying the forms of communication that would be included under the definition of telehealth. At that time, the Board accepted all the Clearinghouse comments. However, Clearinghouse comment

number 3 regarding the forms of communication is no longer applicable due to 2021 Wisconsin Act 121 enacted in February of 2022. Act 121 provides a uniform definition of telehealth and instructs all examining boards to reference this definition if working on a telehealth rule project. In order to comply, the uniform definition reference has replaced the original definition provided in the 2021 preliminary rule draft.

Additionally, also in February of 2022 2021 Wisconsin Act 131 was enacted and ratified the Psychology Interjurisdictional Compact or PSYPACT, which provides ways to facilitate the process for licensed psychologist to provide telepsychological services across state lines through a certificate called “E.Passport”. These stipulations were added to the other requirements for telehealth practice presented in the 2021 preliminary rule draft.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A