

Clearinghouse Rule 21-084

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

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

The Psychology Examining Board is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Psychology Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

A proposed order of the Psychology Examining Board to repeal Psy 2.013 (3), 2.018, 3, and 4.025 (4) relating to private practice school psychologist licensure, requirements for reciprocal candidates, and ABPP diploma exemption for initial licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 455.04; Stats., sections 33, 35, and 36 of the 2021 Wisconsin Act 22.

Statutory authority: Sections 15.08 (5) (b) and 227.11 (2) (a).

Explanation of agency authority:

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

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Related statute or rule:

None

Plain language analysis:

The Psychology Examining Board is updating the rules governing the practice of psychology based upon passage of 2021 Wisconsin Act 22. Act 22 discontinues the initial licensure of private practice school psychologists, eliminates the national exam and continuing education requirements for reciprocal applicants, and ABPP diploma exemption for initial licensure. These updates eliminate now unauthorized references rules related to these changes in Psy 2.013 (3), 2.018, 3, and 4.025 (4) of the Wisconsin Administrative Code. The Board has determined that these rules are unauthorized rules and seeks their repeal under s. 227.26 (4).

Agency contact person:

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TEXT OF RULE

SECTION 1. Psy 2.013(3) is repealed.

SECTION 2. Psy 2.018 is repealed.

SECTION 3. Psy 3 is repealed.

SECTION 4. Psy 4.025(4) is repealed.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the day after publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)
