



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0206/1
MED:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 487**

January 16, 2020 - Offered by Representative TITTL.

1 **AN ACT** *to repeal* 455.01 (4), 455.01 (7), 455.02 (2m) (h), 455.02 (3m) (title),
2 455.045 (2), 455.065 (3), 455.07, 455.08 and 455.10; *to renumber and amend*
3 455.02 (1m) and 455.02 (3m); *to amend* 15.405 (10m), 48.375 (2) (c), 48.375 (4)
4 (b) 1m., 49.45 (30f), 50.06 (4), 50.94 (8), 51.30 (1) (b), 54.01 (27), 155.05 (2),
5 440.08 (2) (a) (intro.), 440.88 (3m), 455.01 (3m), 455.02 (1m) (title), 455.02 (2m)
6 (d), 455.02 (2m) (m), 455.03, 455.04 (title), 455.04 (1) (intro.), 455.04 (1) (b),
7 455.04 (1) (c), 455.04 (1) (e), 455.04 (3), 455.04 (5), 455.045 (1), 455.065 (1),
8 455.065 (4), 455.065 (5), 455.09 (3) and 905.04 (1) (e); *to repeal and recreate*
9 455.01 (5), 455.01 (6), 455.02 (2m) (f), 455.02 (2m) (k), 455.04 (1) (d), 455.04 (4),
10 455.045 (3), 455.06 and 455.09 (title); and *to create* 455.02 (2m) (o) to (s),
11 455.025, 455.04 (2) and 455.065 (6) and (7) of the statutes; **relating to:** the
12 practice of psychology, extending the time limit for emergency rule procedures,

1 providing an exemption from emergency rule procedures, granting
2 rule-making authority, and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This substitute amendment differs from 2019 Assembly Bill 487 in the following respects:

1. The substitute amendment narrows the definition of the “practice of psychology” such that certain activities would not, under the substitute amendment, require a psychologist license. The substitute amendment also broadens an exception to the prohibition against practicing psychology without a license concerning persons engaged in educational or vocational counseling or testing.

2. The substitute amendment further specifies the supervised experience that is required in order for an individual to be granted a psychologist license.

3. The substitute amendment deletes references to certain organizations specified in the bill and instead requires the board to determine or approve the relevant organization.

4. The substitute amendment eliminates a change that would limit a provision that allows a psychologist licensed in another jurisdiction to temporarily practice in this state to only individuals licensed in the United States or Canada. Under the substitute amendment, the provision also applies to individuals licensed in foreign countries, but the other state’s, country’s, or territory’s standards must, in the opinion of the board, be equivalent to or higher than the requirements for licensure as a psychologist in this state.

5. In addition to allowing an interim psychologist license to be granted to an individual who has not yet completed his or her required postdoctoral supervised experience, the substitute amendment allows it to be granted to an individual who has not yet completed a required written examination on the professional practice of psychology.

6. The substitute amendment affects a provision that allows the board to waive certain psychologist licensure requirements for individuals licensed in other jurisdictions. Specifically, the substitute amendment eliminates changes to this provision so that it will continue to apply to individuals licensed in foreign countries, and not just individuals licensed in the United States or Canada.

7. The substitute amendment eliminates language in the bill that requires licensees to retain proof of completion of required continuing education. The substitute amendment also eliminates a provision allowing the board to audit any licensee under investigation for compliance with continuing education requirements.

8. The substitute amendment deletes various changes from the bill relating to professional discipline, including changes that added certain additional grounds for professional discipline against a licensee. The substitute amendment also

eliminates a provision that, in certain circumstances, allows the board to require a licensee or applicant to submit to a psychological examination.

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

1 **SECTION 1.** 15.405 (10m) of the statutes is amended to read:

2 15.405 **(10m)** PSYCHOLOGY EXAMINING BOARD. There is created in the
3 department of safety and professional services a psychology examining board
4 consisting of 6 members appointed for staggered 4-year terms. Four of the members
5 shall be psychologists licensed in this state. ~~Each of the psychologist members shall~~
6 ~~represent a different specialty area within the field of psychology.~~ Two members
7 shall be public members. The governor shall, to the extent possible, nominate
8 psychologists to the board who represent different specialty areas within the field of
9 psychology.

10 **SECTION 2.** 48.375 (2) (c) of the statutes is amended to read:

11 48.375 **(2)** (c) “Counselor” means a physician including a physician specializing
12 in psychiatry, a licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch.
13 455, or an ordained member of the clergy. “Counselor” does not include any person
14 who is employed by or otherwise affiliated with a reproductive health care facility,
15 a family planning clinic, or a family planning agency; any person affiliated with the
16 performance of abortions, except abortions performed to save the life of the mother;
17 or any person who may profit from giving advice to seek an abortion.

18 **SECTION 3.** 48.375 (4) (b) 1m. of the statutes is amended to read:

19 48.375 **(4)** (b) 1m. A physician who specializes in psychiatry or a licensed
20 psychologist, ~~as defined in s. 455.01 (4)~~, licensed under ch. 455 states in writing that
21 the physician or psychologist believes, to the best of his or her professional judgment

1 based on the facts of the case before him or her, that the minor is likely to commit
2 suicide rather than file a petition under s. 48.257 or approach her parent, or guardian
3 or legal custodian, if one has been appointed, or an adult family member of the minor,
4 or one of the minor's foster parents, if the minor has been placed in a foster home and
5 the minor's parent has signed a waiver granting the department, a county
6 department, or the foster parent the authority to consent to medical services or
7 treatment on behalf of the minor, for consent.

8 **SECTION 4.** 49.45 (30f) of the statutes is amended to read:

9 49.45 **(30f)** PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
10 department shall include licensed mental health professionals, as defined in s.
11 632.89 (1) (dm), and licensed psychologists, ~~as defined in s. 455.01 (4)~~ licensed under
12 ch. 455, as providers of psychotherapy and of alcohol and other drug abuse services.
13 Except for services provided under sub. (30e), the department may not require that
14 licensed mental health professionals or licensed psychologists be supervised; may
15 not require that clinical psychotherapy or alcohol and other drug abuse services be
16 provided under a certified program; and, notwithstanding subs. (9) and (9m), may
17 not require that a physician or other health care provider first prescribe
18 psychotherapy or alcohol and other drug abuse services to be provided by a licensed
19 mental health professional or licensed psychologist before the professional or
20 psychologist may provide the services to the recipient. This subsection does not
21 affect the department's powers under ch. 50 or 51 to establish requirements for
22 facilities that are licensed, certified, or operated by the department.

23 **SECTION 5.** 50.06 (4) of the statutes is amended to read:

24 50.06 **(4)** A determination that an individual is incapacitated for purposes of
25 sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician

1 and one licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
2 personally examine the individual and sign a statement specifying that the
3 individual is incapacitated. Mere old age, eccentricity, or physical disability, either
4 singly or together, are insufficient to make a finding that an individual is
5 incapacitated. Neither of the individuals who make a finding that an individual is
6 incapacitated may be a relative, as defined in s. 242.01 (11), of the individual or have
7 knowledge that he or she is entitled to or has a claim on any portion of the individual's
8 estate. A copy of the statement shall be included in the individual's records in the
9 facility to which he or she is admitted.

10 **SECTION 6.** 50.94 (8) of the statutes is amended to read:

11 50.94 (8) A determination that a person is incapacitated may be made only by
12 2 physicians or by one physician and one licensed psychologist, ~~as defined in s. 455.01~~
13 ~~(4)~~, licensed under ch. 455 who personally examine the person and sign a statement
14 specifying that the person is incapacitated. Mere old age, eccentricity, or physical
15 disabilities, singly or together, are insufficient to determine that a person is
16 incapacitated. Whoever determines that the person is incapacitated may not be a
17 relative, as defined in s. 242.01 (11), of the person or have knowledge that he or she
18 is entitled to or has claim on any portion of the person's estate. A copy of the
19 statement shall be included in the records of the incapacitated person in the hospice
20 to which he or she is admitted.

21 **SECTION 7.** 51.30 (1) (b) of the statutes is amended to read:

22 51.30 (1) (b) "Treatment records" include the registration and all other records
23 that are created in the course of providing services to individuals for mental illness,
24 developmental disabilities, alcoholism, or drug dependence and that are maintained
25 by the department; by county departments under s. 51.42 or 51.437 and their staffs;

1 by treatment facilities; or by psychologists licensed under s. 455.04 (1) or (2) or
2 licensed mental health professionals who are not affiliated with a county department
3 or treatment facility. Treatment records do not include notes or records maintained
4 for personal use by an individual providing treatment services for the department,
5 a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or
6 records are not available to others.

7 **SECTION 8.** 54.01 (27) of the statutes is amended to read:

8 54.01 (27) "Psychologist" means a licensed psychologist, ~~as defined in s. 455.01~~
9 (4) licensed under ch. 455.

10 **SECTION 9.** 155.05 (2) of the statutes is amended to read:

11 155.05 (2) Unless otherwise specified in the power of attorney for health care
12 instrument, an individual's power of attorney for health care takes effect upon a
13 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and
14 one licensed psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
15 personally examine the principal and sign a statement specifying that the principal
16 has incapacity. Mere old age, eccentricity, or physical disability, either singly or
17 together, are insufficient to make a finding of incapacity. Neither of the individuals
18 who make a finding of incapacity may be a relative of the principal or have knowledge
19 that he or she is entitled to or has a claim on any portion of the principal's estate.
20 A copy of the statement, if made, shall be appended to the power of attorney for health
21 care instrument.

22 **SECTION 10.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

23 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
24 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10,

1 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
2 follows:

3 **SECTION 11.** 440.88 (3m) of the statutes is amended to read:

4 440.88 **(3m)** EXCEPTION. This section does not apply to a physician, as defined
5 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), a licensed
6 psychologist, ~~as defined in s. 455.01 (4)~~ licensed under s. 455.04 (1) or (2), a marriage
7 and family therapist, as defined in s. 457.01 (3), or a professional counselor, as
8 defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or
9 provides substance abuse counseling, treatment, or prevention services within the
10 scope of his or her licensure.

11 **SECTION 12.** 455.01 (3m) of the statutes is amended to read:

12 455.01 **(3m)** “Fee” “Fee,” when used other than in reference to a fee for a
13 credential, means direct or indirect payment or compensation, monetary or
14 otherwise, including the expectation of payment or compensation whether or not
15 actually received.

16 **SECTION 13.** 455.01 (4) of the statutes is repealed.

17 **SECTION 14.** 455.01 (5) of the statutes is repealed and recreated to read:

18 455.01 **(5)** (a) “Practice of psychology” means the observation, description,
19 evaluation, interpretation, prediction, or modification of human behavior by the
20 application of psychological principles, methods, or procedures for any of the
21 following purposes, in exchange for a fee:

22 1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic,
23 maladaptive, or undesired behavior and promoting adaptive health maintaining
24 behavior or psychological functioning.

25 2. Assisting in legal decision making.

1 (b) “Practice of psychology” includes all of the following if done in exchange for
2 a fee:

3 1. Psychological testing and the evaluation or assessment of a person’s
4 characteristics, including intelligence; personality; cognitive, physical, or emotional
5 abilities; skills; interests; aptitudes; or neuropsychological functioning.

6 2. Counseling, consultation, psychoanalysis, psychotherapy, hypnosis,
7 biofeedback, behavior therapy, and applied behavior analysis.

8 3. The diagnosis, treatment, or management of mental and emotional disorders
9 or disabilities, substance use disorders, disorders of habit or conduct, and the
10 psychological aspects of physical illnesses, accidents, injuries, or disabilities.

11 4. Psychoeducational evaluation, therapy, or remediation.

12 5. Consultation with other psychologists, physicians, or other health care
13 professionals and with a patient regarding all available treatment options with
14 respect to the provision of care for a specific patient or client.

15 6. The supervision of anything specified in subds. 1. to 5.

16 **SECTION 15.** 455.01 (6) of the statutes is repealed and recreated to read:

17 455.01 (6) “Psychotherapy” means the diagnosis and treatment of mental,
18 emotional, or behavioral disorders, conditions, or addictions through the application
19 of methods derived from established psychological or systemic principles, including
20 for the purpose of assisting individuals with modifying their behaviors, cognitions,
21 emotions, or personality characteristics, or for the purpose of understanding
22 unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

23 **SECTION 16.** 455.01 (7) of the statutes is repealed.

24 **SECTION 17.** 455.02 (1m) (title) of the statutes is amended to read:

25 455.02 (1m) (title) ~~LICENSE REQUIRED TO PRACTICE.~~

1 **SECTION 18.** 455.02 (1m) of the statutes is renumbered 455.02 (1m) (a) and
2 amended to read:

3 455.02 **(1m)** (a) Except as provided in ~~s. sub. (2m) and ss. 257.03 and 455.03,~~
4 no person may engage in the practice of psychology ~~or the private practice of school~~
5 ~~psychology,~~ or attempt to do so or make a representation as authorized to do so,
6 without a license issued by the examining board.

7 **SECTION 19.** 455.02 (2m) (d) of the statutes is amended to read:

8 455.02 **(2m)** (d) A person employed in a position as a psychologist or
9 psychological assistant by an a regionally accredited college, junior college or
10 ~~university or other academic or research~~ higher educational institution, if the person
11 is performing activities that are a part of the duties for which he or she is employed,
12 is performing those activities solely within the confines of or under the jurisdictions
13 of the institution in which he or she is employed, and does not render or offer to
14 render psychological services to the public for a fee over and above the salary that
15 he or she receives for the performance of the official duties with the institution with
16 which he or she is employed. An individual acting under this paragraph may,
17 ~~without obtaining a license under s. 455.04 (1) or (4), disseminate research findings~~
18 ~~and scientific information to others, such as accredited academic institutions or~~
19 ~~governmental agencies, or may offer lecture services for a fee.~~ teach the practice of
20 psychology, conduct psychological research, present lectures on the practice of
21 psychology, perform any consultation required by his or her academic or research
22 functions, or provide expert testimony in court related to his or her field of expertise.
23 A person employed in a position under this paragraph may utilize or represent
24 himself or herself by the academic or research title conferred upon him or her by the

1 administration of the laboratory, school, college, or university or use the title
2 “psychology professor” or “academic psychologist.”

3 **SECTION 20.** 455.02 (2m) (f) of the statutes is repealed and recreated to read:

4 455.02 **(2m)** (f) A person providing psychological services as part of a
5 psychology training program, if his or her activities and services constitute a part of
6 the supervised course of study and are performed under the supervision of a
7 psychologist licensed under this chapter and the person does not provide or offer to
8 provide psychological services to the public for a fee over and above any salary that
9 he or she may receive for the performance of the official duties with the employing
10 agency or organization. A person providing services under this paragraph may use
11 the title “psychology student,” “psychology intern,” or “psychology resident.”

12 **SECTION 21.** 455.02 (2m) (h) of the statutes is repealed.

13 **SECTION 22.** 455.02 (2m) (k) of the statutes is repealed and recreated to read:

14 455.02 **(2m)** (k) A person whose activities are limited to educational or
15 vocational counseling or testing that is performed in a human resources, personnel,
16 or educational setting.

17 **SECTION 23.** 455.02 (2m) (m) of the statutes is amended to read:

18 455.02 **(2m)** (m) A person providing psychological services as an employee of
19 a federal, ~~state or local~~ governmental agency, if the person is providing the
20 psychological services as a part of the duties for which he or she is employed, is
21 providing the psychological services solely within the confines of or under the
22 jurisdiction of the agency by which he or she is employed, and does not provide or offer
23 to provide psychological services to the public for a fee over and above the salary that
24 he or she receives for the performance of the official duties with the agency by which
25 he or she is employed.

1 **SECTION 24.** 455.02 (2m) (o) to (s) of the statutes are created to read:

2 455.02 **(2m)** (o) A person providing psychological services as an employee of a
3 state or local governmental agency, if the person is providing the psychological
4 services as a part of the duties for which he or she is employed, is providing the
5 psychological services solely within the confines of or under the jurisdiction of the
6 agency by which he or she is employed, does not provide or offer to provide
7 psychological services to the public for a fee over and above the salary that he or she
8 receives for the performance of the official duties with the agency by which he or she
9 is employed, and has received a master's degree in psychology from a regionally
10 accredited higher educational institution or has fulfilled requirements
11 commensurate with a master's degree, as determined by the examining board. The
12 examining board may promulgate rules to further establish requirements for
13 exemptions under this paragraph for persons who do not hold a master's degree in
14 psychology. A person providing services under this paragraph may use the title
15 "psychological associate."

16 (p) A person providing psychological services under the supervision of a
17 psychologist licensed under this chapter as part of a formal psychology fellowship
18 program that meets the program standards of an organization as determined by the
19 examining board. A person providing services under this paragraph may use the
20 title "psychology fellow."

21 (q) A person whose activities are limited to testifying in a court in this state
22 regarding services rendered in another state.

23 (r) A person engaging in the private practice of school psychology who holds a
24 valid private practice school psychologist license issued under s. 455.04 (4), 2017

1 stats. A person acting under this paragraph may use the title “private practice school
2 psychologist.”

3 (s) A person who holds a doctoral degree in psychology but does not engage in
4 the practice of psychology. A person described in this paragraph may use the title
5 “psychologist” or “doctor of psychology.”

6 **SECTION 25.** 455.02 (3m) (title) of the statutes is repealed.

7 **SECTION 26.** 455.02 (3m) of the statutes is renumbered 455.02 (1m) (b) and
8 amended to read:

9 455.02 (1m) (b) Except as provided in ~~s. sub. (2m) and ss. 257.03 and 455.03,~~
10 only an individual licensed under s. 455.04 (1) or (2) may use the title “psychologist”
11 or any similar title or state or imply that he or she is licensed to practice psychology,
12 ~~and only an individual licensed under s. 455.04 (4) may use the title “private practice~~
13 ~~school psychologist” or any similar title or state or imply that he or she is licensed~~
14 ~~to engage in the private practice of school psychology.~~ Except as provided in ~~s. sub.~~
15 ~~(2m) and ss. 257.03 and 455.03,~~ only an individual licensed under s. 455.04 (1) or (4)
16 or (2) may represent himself or herself to the public by any description of services
17 incorporating the word “psychological” or “psychology”~~.”~~

18 **SECTION 27.** 455.025 of the statutes is created to read:

19 **455.025 Practice of medicine and surgery.** Nothing in this chapter shall
20 be construed to authorize a psychologist to engage in the practice of medicine and
21 surgery.

22 **SECTION 28.** 455.03 of the statutes is amended to read:

23 **455.03 Temporary practice.** A psychologist who is licensed or certified by
24 a similar examining board of another state or territory of the United States or of a
25 foreign country or province whose standards, in the opinion of the examining board,

1 are equivalent to or higher than the requirements for licensure as a psychologist in
2 s. 455.04 (1) may ~~offer~~ provide psychological services as a psychologist in this state
3 ~~for on~~ not more than 60 ~~working~~ days in any year without holding a license issued
4 under s. 455.04 (1). The psychologist shall report to the examining board the nature
5 and extent of his or her practice in this state if it exceeds 20 ~~working~~ days within a
6 year. In this section, "day" means any part of a day during which psychological
7 services are rendered.

8 **SECTION 29.** 455.04 (title) of the statutes is amended to read:

9 **455.04 (title) Licensure of psychologists and ~~private practice school~~**
10 **psychologists.**

11 **SECTION 30.** 455.04 (1) (intro.) of the statutes is amended to read:

12 455.04 (1) (intro.) ~~The department~~ Subject to s. 455.09, the examining board
13 shall issue grant a psychologist license to an individual who submits an application
14 for the license ~~to the department on a form provided by the department,~~ pays the fee
15 specified in s. 440.05 (1) ~~or, if sub. (3) applies, the fee specified in s. 440.05 (2)~~
16 determined by the department under s. 440.03 (9), and is found by the examining
17 ~~board to meet~~ satisfies all of the following requirements:

18 **SECTION 31.** 455.04 (1) (b) of the statutes is amended to read:

19 455.04 (1) (b) Subject to ss. 111.321, 111.322, and 111.335, not have ~~an arrest~~
20 ~~or a~~ conviction record.

21 **SECTION 32.** 455.04 (1) (c) of the statutes is amended to read:

22 455.04 (1) (c) Hold a doctoral degree in psychology from a ~~college or university~~
23 ~~accredited by a regional accrediting agency approved by the state board of education~~
24 ~~in the state in which the college or university is located~~ program accredited by an
25 organization approved by the examining board, or have had other academic training

1 ~~or specialized experience, which in the opinion of that the~~ examining board is
2 determines to be substantially equivalent thereto based upon standards established
3 by rule. The examining board may require examinations to determine the
4 equivalence of such training and experience and may also require examinations for
5 individuals holding doctoral degrees in psychology from non-American universities.

6 **SECTION 33.** 455.04 (1) (d) of the statutes is repealed and recreated to read:

7 455.04 (1) (d) Complete at least 3,000 hours of supervised graduate-level
8 experience in the practice of psychology under conditions satisfactory to the
9 examining board and established by rule. Supervised hours shall consist of all of the
10 following:

11 1. At least 1,500 hours of experience in a successfully completed internship,
12 which shall be accrued after the completion of all doctoral level coursework.

13 2. At least 1,500 hours of experience consisting of any combination of the
14 following, as established by the examining board by rule:

15 a. Pre-internship hours that occur after the completion of the first year of the
16 doctoral program or at any time while in a doctoral program after the completion of
17 a master's degree in psychology or equivalent as defined by the examining board by
18 rule.

19 b. Hours accrued in the internship described in subd. 1. that are in excess of
20 the 1,500 hours required under subd. 1.

21 c. Post-internship hours accrued after the completion of the internship under
22 subd. 1., but before the conferral of the doctoral degree.

23 d. Postdoctoral hours obtained after the conferral of the doctoral degree.

24 **SECTION 34.** 455.04 (1) (e) of the statutes is amended to read:

1 455.04 (1) (e) Pass the examination under s. 455.045 (1) (a). ~~This paragraph~~
2 ~~does not apply to an applicant who is licensed as a psychologist in another state if~~
3 ~~the applicant submits proof of completion of continuing educational programs or~~
4 ~~courses approved under s. 455.065 (4) for the minimum number of hours required in~~
5 ~~the rules promulgated under s. 455.065 (3).~~

6 **SECTION 35.** 455.04 (2) of the statutes is created to read:

7 455.04 (2) Subject to s. 455.09, the examining board shall grant an interim
8 psychologist license to an individual who submits an application for the license, pays
9 the fee specified under s. 440.05 (6), and satisfies the requirements for a license
10 under sub. (1) (a) to (c), (d) 1., and (f). An individual licensed under this subsection
11 may provide psychological services only under the supervision of qualified
12 supervisors, as determined by the examining board.

13 **SECTION 36.** 455.04 (3) of the statutes is amended to read:

14 455.04 (3) The examining board may waive the requirements of sub. (1) (c) ~~and~~
15 ~~(d) to (e) if a candidate holds a diploma of the American board of examiners in~~
16 ~~professional psychology, or an applicant holds a certificate or license of an examining~~
17 ~~board of some other state or territory or foreign country or province, if the standards~~
18 ~~of such other examining board are deemed by the members of this examining board~~
19 ~~to be substantially equivalent to the standards of this state and like reciprocity is~~
20 ~~extended to holders of licenses issued by this state.~~

21 **SECTION 37.** 455.04 (4) of the statutes is repealed and recreated to read:

22 455.04 (4) An individual who, on the day before the effective date of this
23 subsection [LRB inserts date], held a valid private practice school psychologist
24 license under s. 455.04 (4), 2017 stats., may continue to renew that license as
25 provided in s. 455.06. The examining board may not grant any initial private

1 practice school psychologist license based on an application received on or after the
2 effective date of this subsection [LRB inserts date].

3 **SECTION 38.** 455.04 (5) of the statutes is amended to read:

4 455.04 (5) Applicants for licensure under ~~subs. (1) and (4)~~ this section may be
5 required to appear before the examining board in person prior to licensure to allow
6 the examining board to make such inquiry of them as to qualifications and other
7 matters as it considers proper.

8 **SECTION 39.** 455.045 (1) of the statutes is amended to read:

9 455.045 (1) ~~The examining board shall administer~~ In order to qualify for a
10 psychologist license under s. 455.04 (1), an applicant must have passed all of the
11 following examinations for psychologist licensure at least semiannually at times and
12 places determined by the examining board:

13 (a) A written examination on the professional practice of psychology.

14 (b) A written examination ~~in the elements of practice essential to the public~~
15 ~~health, safety or welfare~~ on state law related to the practice of psychology.

16 **SECTION 40.** 455.045 (2) of the statutes is repealed.

17 **SECTION 41.** 455.045 (3) of the statutes is repealed and recreated to read:

18 455.045 (3) The examining board shall set passing scores for examinations
19 under sub. (1) (a) or (b). The examining board may adopt passing scores
20 recommended by test developers.

21 **SECTION 42.** 455.06 of the statutes is repealed and recreated to read:

22 **455.06 Renewals.** (1) (a) Except as provided in par. (b), the renewal dates for
23 licenses issued under this chapter or under s. 455.04 (4), 2017 stats., are specified
24 under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the
25 department under s. 440.03 (9) (a).

1 (b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual
2 obtains a license under s. 455.04 (1) and may not be renewed, except that the
3 examining board may promulgate rules specifying circumstances in which the
4 examining board, in cases of hardship, may allow an individual to renew a license
5 issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license
6 issued under s. 455.04 (2) is not required to complete continuing education.

7 (2) An applicant for renewal of a license issued under this chapter or under s.
8 455.04 (4), 2017 stats., shall include with his or her application proof in the form
9 specified by the examining board that he or she has completed the hours of
10 continuing education required under s. 455.065.

11 **SECTION 43.** 455.065 (1) of the statutes is amended to read:

12 455.065 (1) Promulgate rules establishing the minimum number of hours of
13 continuing education, the topic areas that the continuing education must cover, the
14 criteria for the approval of continuing education programs and courses required for
15 renewal of a license, and the criteria for the approval of the sponsors and cosponsors
16 of those continuing education programs and courses. The examining board may
17 establish criteria for the substitution of hours of professional activities to meet
18 continuing education requirements.

19 **SECTION 44.** 455.065 (3) of the statutes is repealed.

20 **SECTION 45.** 455.065 (4) of the statutes is amended to read:

21 455.065 (4) Approve continuing education programs and courses in accordance
22 with the criteria established under subs. sub. (1) and (3).

23 **SECTION 46.** 455.065 (5) of the statutes is amended to read:

24 455.065 (5) Promulgate rules establishing the criteria for the substitution of
25 uncompensated hours of professional assistance volunteered to the department of

1 health services for some or all hours of continuing education credits required under
2 subs. sub. (1) and ~~(3)~~. The eligible substitution hours shall involve professional
3 evaluation of community programs for the certification and recertification of
4 community mental health programs, as defined in s. 51.01 (3n), by the department
5 of health services.

6 **SECTION 47.** 455.065 (6) and (7) of the statutes are created to read:

7 455.065 **(6)** Grant a postponement of or waiver from the continuing education
8 requirements under this section based upon the grounds of prolonged illness or
9 disability or on other grounds constituting extreme hardship. The examining board
10 shall consider each application individually on its merits, and the examining board
11 may grant a postponement, partial waiver, or total waiver of the requirement as the
12 examining board deems appropriate.

13 **(7)** Grant an exemption from the continuing education requirements under
14 this section to a psychologist who certifies to the examining board that he or she has
15 permanently retired from the practice of psychology. A psychologist who has been
16 granted an exemption under this subsection may not return to active practice
17 without submitting evidence satisfactory to the examining board of having
18 completed the required continuing education credits within the 2-year period prior
19 to the return to the practice of psychology.

20 **SECTION 48.** 455.07 of the statutes is repealed.

21 **SECTION 49.** 455.08 of the statutes is repealed.

22 **SECTION 50.** 455.09 (title) of the statutes is repealed and recreated to read:

23 **455.09 (title) Disciplinary proceedings and actions.**

24 **SECTION 51.** 455.09 (3) of the statutes is amended to read:

1 455.09 (3) A revoked license may not be renewed. ~~One year from the date of~~
2 ~~revocation~~ An individual may, no sooner than one year after the date of revocation,
3 apply for reinstatement of a license under this chapter, ~~application may be made for~~
4 ~~reinstatement.~~ The examining board may accept or reject an application for
5 reinstatement. If reinstatement is granted under this subsection, the licensee shall
6 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does
7 not apply to a license that is revoked under s. 440.12.

8 **SECTION 52.** 455.10 of the statutes is repealed.

9 **SECTION 53.** 905.04 (1) (e) of the statutes is amended to read:

10 905.04 (1) (e) “Psychologist” means a licensed psychologist, ~~as that term is~~
11 ~~defined in s. 455.01 (4)~~ licensed under ch. 455, or a person reasonably believed by the
12 patient to be a psychologist.

13 **SECTION 54. Nonstatutory provisions.**

14 (1) EMERGENCY RULE AUTHORITY. Using the procedure under s. 227.24, the
15 psychology examining board may promulgate rules under ch. 455 that are necessary
16 to implement the changes in this act. Notwithstanding s. 227.24 (1) (a) and (3), the
17 board is not required to provide evidence that promulgating a rule under this
18 subsection as an emergency rule is necessary for the preservation of the public peace,
19 health, safety, or welfare and is not required to provide a finding of emergency for a
20 rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2),
21 the effective period of a rule promulgated under this subsection is for 2 years after
22 its promulgation, or until permanent rules take effect, whichever is sooner, and the
23 effective period may not be further extended under s. 227.24 (2).

24 **SECTION 55. Effective dates.** This act takes effect on the first day of the 3rd
25 month beginning after publication, except as follows:

1 (1) SECTION 54 (1) of this act takes effect on the day after publication.

2 (END)