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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”.