

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 12-055)

PROPOSED ORDER

An order of the Psychology Examining Board to repeal Psy 2.12(2); and amend Psy 2.09(4) relating to applicant appearances.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: 455.04(5), Wis. Stats.

Statutory authority: 15.08(5)(b) and 455.08, Wis. Stats.

Explanation of agency authority: Each 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. The Psychology Examining Board shall adopt such rules as are necessary under chapter 455.

Related statute or rule: 455.04(5), Wis. Stats.

Plain language analysis:

Section 1 amends Psy 2.09(4) to reflect the statute provision which has a discretionary provision regarding appearances. Currently the rule requires every applicant to appear before the Board in person prior to licensure as a psychologist. The change will reduce the administrative burden of the resources of the Psychology Examining Board and the Department of Safety and Professional Services. It would also significantly reduce the time it takes an applicant to become licensed because the applicant would no longer have to wait until a scheduled meeting to make an appearance.

Section 2 repeals the provision for licensure by reciprocity for applicants who are licensed in another state which is a signatory to the agreement of reciprocity of the Association of State Provincial Psychology Boards. The reciprocity agreement requires

an appearance before the Board as part of the licensing process. Currently there are only seven other signatory states (Arkansas, Kentucky, Missouri, Nebraska, Nevada, Oklahoma and Texas). None of these states are neighboring states, therefore the change would not have a significant impact on applicants.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois does not require a personal appearance.

Iowa: Iowa does not require a personal appearance.

Michigan: Michigan does not require a personal appearance.

Minnesota: Minnesota does not require a personal appearance

Summary of factual data and analytical methodologies:

The Psychology Examining Board conformed the rule to the statute. No additional factual data or analytical methodologies were used.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule creates a change which matches the statutory languages. The rule has a positive effect on applicants and does not have an effect on small business.

This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935,

Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon.Henes@wisconsin.gov, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on February 6, 2013 to be included in the record of rule-making proceedings.

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TEXT OF RULE

Section 1. Psy 2.09(4) is amended to read:

Psy 2.09(4) APPEARANCE BEFORE THE BOARD. The applicant ~~shall~~ may be required to appear before the board in person prior to licensure to allow the board to make such inquiry of them as to qualifications and other matters as it considers proper.

Section 2. Psy 2.12(2) is repealed.

Section 3. EFFECTIVE DATE. The effective date shall be the first day of the month following publication in the Wisconsin Administrative Register.

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(END OF TEXT OF RULE)

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This Proposed Order of the Psychology Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chair
Psychology Examining Board