



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 389**

October 26, 1995 - Offered by COMMITTEE ON CONSUMER AFFAIRS.

1 **AN ACT to repeal** 455.02 (1) (b), 455.02 (3) (a) 1. and 2., 455.04 (6) and 455.065  
2 (2); **to renumber and amend** 455.01 (5), 455.02 (1) (a) and 455.02 (2); **to**  
3 **consolidate, renumber and amend** 455.02 (3) (a) (intro.) and (b); **to amend**  
4 455.06, 455.065 (1), (3) and (4) and 455.10; **to repeal and recreate** 455.02  
5 (title); and **to create** 455.01 (5) (b) and (c), 455.02 (1m) and 455.02 (2m) (intro.),  
6 (a), (b), (c), (e), (g), (h), (i), (j), (k), (L), (m) and (n) of the statutes; **relating to:**  
7 the regulation of the practice of psychology and granting rule-making  
8 authority.

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

9 **SECTION 1.** 455.01 (5) of the statutes is renumbered 455.01 (5) (intro.) and  
10 amended to read:

11 455.01 (5) (intro.) "Practice of psychology" means rendering to any person a  
12 psychological service involving the application of principles, methods and  
13 procedures of understanding, predicting and influencing behavior, such as the  
14 principles pertaining to learning, perception, motivation, performance, thinking,

1 emotions and interpersonal relationships; the methods and procedures of  
2 interviewing and, counseling in, psychotherapy, hypnosis, psychoanalysis and  
3 biofeedback; and the methods and procedures of constructing, administering and  
4 interpreting tests of mental abilities, aptitudes, interests, attitudes, personality  
5 characteristics, emotion and motivation. The application of said these principles and  
6 methods includes, but is not restricted to: psychological diagnoses, all of the  
7 following:

8 (a) Diagnosis, prevention, and amelioration treatment of adjustment problems  
9 in behavioral, vocational, educational, emotional, sexual, neuropsychological and  
10 mental disorders; hypnosis; educational and vocational counseling; personnel  
11 selection and management; the evaluation and planning for effective work in  
12 learning situations; advertising and market research; and the resolution of  
13 interpersonal and social conflicts.

14 **SECTION 2.** 455.01 (5) (b) and (c) of the statutes are created to read:

15 455.01 (5) (b) Treatment for alcohol and other substance abuse, disorders of  
16 habit and conduct, and the psychological and behavioral aspects of physical illness,  
17 accident or other disabilities.

18 (c) Any other activity authorized by statute or by rules promulgated by the  
19 examining board.

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

21 **455.02** (title) **License required to practice; use of titles.**

22 **SECTION 4.** 455.02 (1) (a) of the statutes is renumbered 455.02 (3m) and  
23 amended to read:

24 455.02 (3m) (title) USE OF TITLES. ~~This chapter does not restrict exclusively to~~  
25 ~~licensed psychologists the rendering of services included within the practice of~~

1 ~~psychology, but only~~ Only an individual licensed under s. 455.04 (1) may use the title  
2 “psychologist” or any similar title or state or imply that he or she is licensed to  
3 practice psychology, and only an individual licensed under s. 455.04 (4) may use the  
4 title “private practice school psychologist” or any similar title or state or imply that  
5 he or she is licensed to engage in the private practice of school psychology. Only an  
6 individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the  
7 public by any description of services incorporating the word “psychological” or  
8 “psychology”.

9 **SECTION 5.** 455.02 (1) (b) of the statutes is repealed.

10 **SECTION 6.** 455.02 (1m) of the statutes is created to read:

11 455.02 **(1m)** LICENSE REQUIRED TO PRACTICE. No person may engage in the  
12 practice of psychology or the private practice of school psychology, or attempt to do  
13 so or make a representation as authorized to do so, without a license issued by the  
14 examining board.

15 **SECTION 7.** 455.02 (2) of the statutes is renumbered 455.02 (2m) (f) and  
16 amended to read:

17 455.02 **(2m)** (f) ~~Nothing in this chapter restricts the activities and services of~~  
18 ~~a~~ A graduate student or psychological intern in psychology pursuing a course of  
19 study leading to a graduate degree in psychology at an accredited college or  
20 university ~~in~~ while working in a training program, if ~~such~~ his or her activities and  
21 services constitute a part of ~~his or her~~ the supervised course of study and ~~such person~~  
22 he or she is designated by ~~such~~ a title such as “psychological intern”, “psychological  
23 trainee” or other title clearly indicating the training status appropriate to his or her  
24 level of training. The term “psychological intern” shall be reserved for persons

1 enrolled in the doctoral program in psychology at an accredited college or university  
2 or engaged in a formal psychology internship program.

3 **SECTION 8.** 455.02 (2m) (intro.), (a), (b), (c), (e), (g), (h), (i), (j), (k), (L), (m) and  
4 (n) of the statutes are created to read:

5 455.02 (**2m**) EXCEPTIONS. (intro.) A license under this chapter is not required  
6 for any of the following:

7 (a) A person lawfully practicing within the scope of a license, permit,  
8 registration, certificate or certification granted by this state.

9 (b) A person providing psychological services as directed, supervised and  
10 inspected by a psychologist who has the power to direct, decide and oversee the  
11 implementation of the services provided.

12 (c) The performance of official duties by personnel of any of the armed services  
13 or federal health services of the United States.

14 (e) A person pursuing a course of study leading to a graduate degree in  
15 medicine, social work, marriage and family therapy or professional counseling at an  
16 accredited college or university while working in a training program, if the person's  
17 activities and services constitute a part of his or her supervised course of study and  
18 the person is designated by a title that clearly indicates the training status  
19 appropriate to the person's level of training.

20 (g) A person certified by the department of public instruction to provide  
21 psychological or counseling services, if the person is performing activities that are  
22 a part of the duties for which he or she is employed, is performing those activities  
23 solely within the confines of or under the jurisdiction of the school district by which  
24 he or she is employed and does not render or offer to render psychological services  
25 to the public for a fee, monetary or otherwise, over and above the salary that he or

1 she receives for the performance of the official duties with the school district by which  
2 he or she is employed.

3 (h) A person who has a doctoral degree in psychology and who has met the  
4 examining board's requirements for predoctoral supervised experience under s. Psys  
5 2.09 (2), Wis. adm. code, while employed as a psychology resident by a clinic certified  
6 by the department of health and social services.

7 (i) An ordained member of the clergy of any religious denomination or sect who  
8 is associated with a church, synagogue or other religious organization, contributions  
9 to which are tax deductible for federal and state income tax purposes, if the member  
10 of the clergy is engaged in activities that are within the scope of his or her regular  
11 duties as a member of the clergy and that are not rendered to the public for a fee,  
12 monetary or otherwise, over and above the salary or other compensation that the  
13 member of the clergy receives for the performance of his or her official duties as a  
14 member of the clergy with the church, synagogue or religious organization with  
15 which he or she is associated.

16 (j) A person practicing hypnosis for other than therapeutic purposes.

17 (k) A person engaged in employment counseling or testing for other than  
18 therapeutic purposes.

19 (L) A mental health professional who has met all of the qualifications under s.  
20 HSS 61.96, Wis. adm. code, for employment as a mental health professional in an  
21 outpatient psychotherapy clinic certified by the department of health and social  
22 services under s. HSS 61.95, Wis. adm. code, if the person is performing activities  
23 that are a part of the duties for which he or she is employed by such a certified  
24 outpatient psychotherapy clinic and is performing those activities solely within the  
25 confines of or under the jurisdiction of the clinic by which he or she is employed.

1 (m) A person providing psychological services as an employe of a federal, state  
2 or local governmental agency, if the person is providing the psychological services as  
3 a part of the duties for which he or she is employed, is providing the psychological  
4 services solely within the confines of or under the jurisdiction of the agency by which  
5 he or she is employed and does not provide or offer to provide psychological services  
6 to the public for a fee, monetary or otherwise, over and above the salary that he or  
7 she receives for the performance of the official duties with the agency by which he  
8 or she is employed.

9 (n) A person coordinating or participating in the activities of a nonprofit peer  
10 support group, if the person performs those activities solely within the confines of the  
11 peer support group and does not render or offer to render psychological services to  
12 the public for a fee, monetary or otherwise.

13 **SECTION 9.** 455.02 (3) (a) (intro.) and (b) of the statutes are consolidated,  
14 renumbered 455.02 (2m) (d) and amended to read:

15 455.02 (2m) (d) ~~Nothing in this chapter restricts or prevents activities of a~~  
16 ~~psychological nature and the use of the official title of the position for which they~~  
17 ~~were employed on the part of the following persons~~ A person employed in a position  
18 as a psychologist or psychological assistant by an accredited college, junior college  
19 or university or other academic or research institution, if such persons are the person  
20 is performing those activities as that are a part of the duties for which they were he  
21 or she is employed, are is performing such those activities solely with within the  
22 confines of or under the jurisdictions of the organization institution in which they are  
23 he or she is employed and do does not render or offer to render psychological services  
24 to the public for a fee, monetary or otherwise, over and above the salary they receive  
25 that he or she receives for the performance of the official duties with the organization

1 institution with which ~~they are~~ he or she is employed; ~~(b).~~ An individual acting under  
2 ~~par. (a) this paragraph~~ may, without obtaining a license under s. 455.04 (1) or (4),  
3 disseminate research findings and scientific information to others, such as  
4 accredited academic institutions or governmental agencies, or may offer lecture  
5 services for a fee.

6 **SECTION 10.** 455.02 (3) (a) 1. and 2. of the statutes are repealed.

7 **SECTION 11.** 455.04 (6) of the statutes is repealed.

8 **SECTION 12.** 455.06 of the statutes is amended to read:

9 **455.06 Renewals.** The renewal date and renewal fee for licenses issued under  
10 s. 455.04 (1) and (4) are specified under s. 440.08 (2) (a). An applicant for renewal  
11 of a license ~~with a renewal date that is on or after October 1, 1993,~~ shall include with  
12 his or her application proof of completion of continuing educational education  
13 programs or courses approved under s. 455.065 ~~(2)~~ (4) for the minimum number of  
14 hours required in the rules promulgated under s. 455.065 (1).

15 **SECTION 13.** 455.065 (1), (3) and (4) of the statutes are amended to read:

16 455.065 (1) Promulgate rules establishing the minimum number of hours of  
17 continuing education, the topic areas that the continuing education must cover and  
18 the criteria for the approval of continuing educational education programs and  
19 courses required for renewal of a license ~~with a renewal date that is on or after~~  
20 ~~October 1, 1993.~~ The rules promulgated under this subsection shall be consistent  
21 with the continuing education curriculum content criteria established by the  
22 committee for the approval of continuing education sponsors of the American  
23 Psychological Association.

24 **(3)** Promulgate rules establishing the minimum number of hours of continuing  
25 education, the topic areas that the continuing education must cover and the criteria

1 for the approval of continuing ~~educational~~ education programs and courses required  
2 for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4)  
3 (f). The rules promulgated under this subsection shall be consistent with the  
4 continuing education curriculum content criteria established by the committee for  
5 the approval of continuing education sponsors of the American Psychological  
6 Association.

7 (4) Approve continuing ~~educational~~ education programs and courses in  
8 accordance with the criteria established under ~~sub.~~ subs. (1) and (3). The examining  
9 board may approve any continuing education program presented by a sponsor or  
10 cosponsor approved by the committee for the approval of continuing education  
11 sponsors of the American Psychological Association.

12 **SECTION 14.** 455.065 (2) of the statutes is repealed.

13 **SECTION 15.** 455.10 of the statutes is amended to read:

14 **455.10 Injunctive relief.** Violation of s. 455.02 ~~(1)~~ ~~(a)~~ may be enjoined in an  
15 action brought by the attorney general on petition by the examining board. In any  
16 such proceeding, it shall not be necessary to show that any person is individually  
17 injured by the actions complained of. If the respondent is found guilty of the  
18 violation, the court shall enjoin the respondent from further violations thereof until  
19 he or she has been duly licensed. The remedy given by this section is in addition to  
20 criminal prosecution under s. 455.11.

21 (END)