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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY:

PROCEEDINGS AGAINST:

THOMAS EVERT,
RESPONDENT

FINAL DECISION AND ORDER
LS0008311PSY

The parties to this action for the purposes of § 227.53, Stats., are:

Thomas Evert
2216 Tradition Lane
Janesville, WI 53545

Wisconsin Psychology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Psychology Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Thomas Evert, Respondent, date of birth February 5, 1947, is licensed by the Wisconsin Psychology Examining Board for the private practice of school psychology in the state of Wisconsin pursuant to license number 72, which was first granted November 17, 1978.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2216 Tradition Lane, Janesville, WI 53545.
3. Each person licensed for the private practice of school psychology in the state of Wisconsin must renew that license biennially, by October 1 of each odd numbered year. [§§ 440.08(2)(a)63., and 455.06, Stats.]
4. To be qualified to renew the license for the next biennial registration period, the licensee must have completed at least 40 hours of board-approved continuing education in the previous biennial registration period. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]
5. Prior to October 1, 1999, the Wisconsin Department of Regulation and Licensing sent Respondent a form to execute and return with the required fee if Respondent wished to renew his license for the private practice of school psychology in the state of Wisconsin for the October 1, 1999 through September 30, 2001 biennium.

6. That renewal form contains the following language, immediately above the line which Respondent was to date and sign:

"I have or will have completed 40 contact hours of board-approved continuing education, including 8 hours in ethics, during the biennium immediately preceding this application (10/1/97-9/30/99), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request."

7. Respondent signed and returned the renewal form certifying that he had completed the continuing education requirements of the Psychology Examining Board during the October 1, 1997 through September 30, 1999 biennium.

8. On November 24, 1999, as part of a random audit which the Psychology Examining Board conducted of its licensees, Respondent was sent a letter requesting Respondent to send the Board verification that Respondent had completed the 40 hours of continuing education, which Respondent had claimed to have completed prior to renewing Respondent's license for the October 1, 1999 through September 30, 2001 biennium.

9. In response to this audit, Respondent submitted documentation of having completed two courses during the October 1, 1997 through September 30, 1999 biennium. The courses were titled "Educational Leadership K-12" and "Workshop in Educational Administration." Neither course had been approved by the Board or addressed ethics in the practice of psychology or school psychology.

10. On May 25, 2000, the Division of Enforcement (DOE) sent Respondent a letter notifying him of his non-compliance with the Board's continuing education requirements. The letter informed Respondent:

- If he wanted the Board to consider approving the submitted courses, he needed to provide information about the content of the courses.
- If he did so, the Board would review the information and determine whether to grant approval of each course.
- If a course was now approved by the Board, the Board might count the course toward fulfilling the continuing education requirements.
- He must submit documentation of having completed a total of 8 hours in ethics.

11. On June 8, 2000, Respondent submitted documentation for approval of the two courses he completed, as requested in DOE's letter, as well as information about a third program he completed during the October 1, 1997 through September 30, 1999 biennium. The documentation relating to all three courses was reviewed by the case advisor, who is the member of the Board to whom approval power has been delegated by the full Board. The case advisor determined that none of the courses met the criteria necessary for approval by the Board and that none of the courses contained the necessary ethics component.

12. Respondent did not complete 40 hours of board-approved continuing education, including 8 hours in ethics, during the October 1, 1997 through September 30, 1999 biennium, prior to renewing Respondent's license for the October 1, 1999 through September 30, 2001 biennium, and therefore failed to comply with the continuing education requirements.

13. Respondent has not engaged in the private practice of school psychology in Wisconsin for several years, and did not do so after renewing his license for the current biennium. At this time, Respondent does not intend to return to the private practice of school psychology. Therefore, for personal reasons, Respondent voluntarily surrenders his license for the private practice of school psychology in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to § 455.09, Stats.

2. The Wisconsin Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by failing to obtain 40 contact hours of board-approved continuing education during the biennium immediately preceding his application for the renewal of his license for the October 1, 1999 through September 30, 2001 biennium, as required by Wis. Adm. Code § PSY 4.01, is subject to discipline pursuant to Wis. Adm. Code § PSY 5.01(28) and § 455.09(1)(g), Stats.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Thomas Evert, Respondent, of his license for the private practice of school psychology in the State of Wisconsin is hereby accepted, effective immediately.

2. That if Respondent elects to seek relicensure for the private practice of school psychology, Respondent may be relicensed only if Respondent has provided proof sufficient to the Psychology Examining Board that Respondent has:

- a. Taken and completed 40 hours of board-approved continuing education, including 8 hours in ethics, which shall be applied to the credit hours Respondent should have obtained during the October 1, 1997 through September 30, 1999 biennium.
- b. Taken and completed an additional 40 hours of board-approved continuing education, including 8 hours in ethics, which shall be applied to October 1, 1999 through September 30, 2001 biennium.
- c. Taken and completed an additional 40 hours of board-approved continuing education, including 8 hours in ethics, for any subsequent bienniums which have passed or begun at the time Respondent seeks relicensure.

3. If Respondent seeks relicensure more than 5 years after the date of this order, the Board shall make an inquiry as it finds necessary to determine whether Respondent is competent to practice as a private practice school psychologist in this state, and shall impose any reasonable conditions on relicensure that the Board considers appropriate. The Board shall require Respondent to pass the examination specified under s. 455.045 (2) (b), Stats.

4. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$550.00 pursuant to § 440.22(2), Stats.

5. Payment of costs of the proceeding and any request for relicensure with proof of obtaining continuing education required by this order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 11th day of October, 2000.

Barbara A. Van Horne, Ph.D.

Chairperson

Psychology Examining Board