

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION INVOLVING:

WILLIAM M. WYATT, RESPONDENT	FINAL DECISION AND SPECIAL ORDER OF INJUNCTION [§ 440.21(2), Stats] LS0107311UNL
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The parties to this action for the purposes of § 227.53, Stats., are:

William M. Wyatt
537 Elmside Blvd.
Madison, WI 53704

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

Wisconsin 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 Department. The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. William M. Wyatt, Respondent, date of birth May 24, 1941, has practiced psychotherapy at North Shore Therapy Group in Madison, Wisconsin from late 1996 to June 2001.
2. Beginning October 1, 1996, Wisconsin statute § 455.02 has prohibited any person from engaging in the practice of psychology (which includes psychotherapy), unless the person has a license issued by the Psychology Examining Board or the person fits within one of the exceptions set out in that section of the statutes.[§ 455.02(1m) and (2m), Stats.]
3. One statutory exception [§ 455.02(2m)(a), Stats.] excludes from the prohibition any person lawfully practicing within the scope of a Wisconsin license, permit, registration, certificate or certification. This exception allows certified independent clinical social workers to practice psychotherapy.
4. Another statutory exception [§ 455.02(2m)(L), Stats.] excludes from the prohibition any mental health professional who has met all of the qualifications under § HFS 61.96, Wis. Adm. Code, for employment as a

mental health professional in an outpatient psychotherapy clinic certified by the department of health and family services under §. HFS 61.95, Wis. Adm. Code, if the person is performing activities that are a part of the duties for which he or she is employed by such a certified outpatient psychotherapy clinic and is performing those activities solely within the confines of or under the jurisdiction of the clinic by which he or she is employed.

5. Respondent has never been licensed by the Wisconsin Psychology Examining Board to practice psychology in the state of Wisconsin.

6. From April 14, 1995 through December 3, 1997, Respondent was certified as an independent clinical social worker by the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

7. On December 3, 1997, the Social Worker Section accepted the surrender of Respondent's certificate to practice as an independent clinical social worker in Wisconsin. The surrender was based on the Section having found that Respondent had engaged in unprofessional conduct, as defined by Wis. Adm. Code § SFC 20.02(11), for having a sexual relationship with a former client within two years of termination of professional services.

8. In late 1996, at a time prior to the surrender of his certificate to practice as an independent clinical social worker, Respondent formed North Shore Therapy Group, which was an outpatient psychotherapy clinic certified by the department of health and family services under s. HSS 61.95 Wis. Adm. code. Respondent practiced as a psychotherapist at that clinic, and for that reason was excepted from the prohibitions of § 455.02(1m), Stats.

9. However, effective April 10, 1998, the DHFS discontinued the certification of North Shore Therapy Group as an outpatient psychotherapy clinic. The lack of any certified social worker employed at the clinic was the principal reason for the discontinuance of the certification. Respondent filed a petition to review the decision to discontinue the clinic's certification, but that petition was denied on June 25, 1998.

10. Following the discontinuation of the certification of North Shore Therapy Group, Respondent was no longer excepted from the prohibitions of § 455.02(1m), Stats. Nevertheless, Respondent continued to practice psychotherapy at that clinic for approximately three additional years, until June 2001, when Respondent was notified by the Division of Enforcement (Division) that the statute prohibited Respondent from such practice.

11. Respondent contends that he believed that he could practice psychotherapy so long as he did not identify himself as a psychologist or a social worker. Respondent's contention is supported by the fact that the Division became aware of Respondent's continued practice of psychotherapy from a letter Respondent wrote to the Social Worker Section on March 27, 2001 indicating his interest in re-applying for certification. In the letter, Respondent asked if the following circumstances would disqualify him from becoming re-certified:

- o "I have continued to practice psychotherapy as a "psychotherapist", but I have not represented myself as a "social worker" since I surrendered certification. (I decided to surrender certification as an alternative to suspension with the requirement that I stop my psychotherapy practice for two years).
- o The most recent contact I had with the former client was in August of 1999."

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter, pursuant to § 440.21(1) and (2), Stats.

2. The Wisconsin Department of Regulation and Licensing is authorized to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, William M. Wyatt has engaged in the unlicensed practice of psychology in Wisconsin, in violation of § 455.02(1m), Stats., from April 10, 1998 to June 2001.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, William M. Wyatt, is prohibited from engaging in the practice of psychology, until such time as Respondent qualifies under one of the exceptions set out at § 455.02(2m), Stats., or becomes licensed under Chapter 455, Stats., or successor statute.

IT IS FURTHER ORDERED that Respondent, William M. Wyatt, be, and hereby is, notified that any person who violates a special order, such as this, issued under § 440.21, Stats., may be required to forfeit not more than \$10,000 (ten thousand) for each offense and that each day of continued violation constitutes a separate offense.

Dated at Madison, Wisconsin this 29th day of July, 2001.

Oscar Herrera, Secretary

Department of Regulation and Licensing