

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
HENRY S. SHERMAN, Ph.D., : LS 0702153 PSY  
RESPONDENT. :

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[Division of Enforcement Case # 06 PSY 032]

The parties to this action for the purposes of Wis. Stat. § 227.53:

Henry S. Sherman, Ph.D.  
5583 Waterford Lane  
Appleton, WI 54913

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Psychology Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Notice of Hearing and Complaint were filed in this matter on February 15, 2007. Prior to the hearing on the formal complaint, the parties in this matter agreed 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. Henry S. Sherman, Ph.D., Respondent, date of birth March 11, 1947, is licensed by the Wisconsin Psychology Examining Board (Board) as a psychologist in the state of Wisconsin pursuant to license number 2181, which was first granted July 30, 1999.

2. Respondent's last address reported to the Department of Regulation and Licensing is 5583 Waterford Lane, Appleton, WI 54913.

3. Each person licensed to practice as a psychologist in the state of Wisconsin, who wishes to remain licensed, must renew that license biennially by October 1 of each odd numbered year. [Wis. Stats. §§ 440.08(2)(a)64., and 455.06.]

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. In November 2003, the Board audited Respondent's compliance with the continuing education requirements for the October 1, 2001 through September 30, 2003 biennium.

The audit disclosed that Respondent had committed a minor violation of the Board's continuing

education requirements during that period.

Respondent was issued an administrative warning which put Respondent on notice that any subsequent similar violation may result in disciplinary action.

Respondent was informed that he would again be audited following the October 1, 2003 through September 30, 2005 biennium.

6. Respondent renewed his license for the October 1, 2005 through September 30, 2007 biennium by completing and signing a renewal form that was sent to him by the Department of Regulation and Licensing. That renewal form contained the following language, immediately above the line which Respondent was to date and sign:

“I have or will have completed 40 hours of continuing education (including 6 hours in ethics which must be approved by the board and 2 additional hours in either cultural competence, AODA, or supervision) as provided in section PSY 4.02, Wis. Admin. Code, during the biennium immediately preceding this application (10/1/03-9/30/05), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request.”

7. On April 11, 2006, Respondent was sent a letter auditing Respondent’s compliance with the continuing education requirements for the October 1, 2003 through September 30, 2005 biennium.

8. In response to this audit, Respondent submitted documentation of having completed:

Twenty-one (21) hours of board-approved continuing education, including sufficient hours to meet the requirements for content in ethics/jurisprudence and supervision.

Twenty-six (26) hours of continuing education for two programs which had been offered by the Wisconsin Inter-Professional Committee on Divorce (WIPCOD), which did not meet the requirements because WIPCOD was not an approved sponsor.

9. On August 30, 2006, the Division of Enforcement (DOE):

Sent Respondent a letter notifying him of his non-compliance with the Board’s continuing education requirements because 26 of the hours were not offered by a board-approved sponsor.

Requested Respondent to submit documentation of having completed an additional 19 hours of board-approved continuing education to come into compliance.

10. In response to DOE’s request, Respondent submitted a letter to the Board addressing the 26 non-approved hours:

He said he took the programs in good faith because WIPCOD had been approved by the Board in the past and had not notified attendees that it was no longer an approved sponsor.

He requested the Board to allow him to use these hours toward fulfillment of the continuing education requirements.

11. On October 18, 2006, the members of the Board reviewed the information Respondent submitted and denied his request to apply any of those hours toward meeting the continuing education requirements because the sponsor did not meet the requirements of Wis. Adm. Code § 4.02(2).

12. DOE notified Respondent that he would not be allowed to use any of the 26 hours in question toward meeting the continuing education requirements and requested him to submit documentation of having completed an additional 19 hours of board-approved continuing education to come into compliance.

13. As requested, Respondent submitted documentation of having obtained an additional 22.5 hours of board-approved continuing education by:

Attending the 2006 Wisconsin Psychological Association (WPA) Convention (11.5 hours), sponsored by WPA, an APA-approved sponsor – April 6-8, 2006.

Completing “*Integrated Assessment: From Research to Practice*” (11 hours), sponsored by WPA, an APA-approved sponsor – October 13-14, 2006.

14. Respondent has completed an additional 22.5 hours of board-approved continuing education since September 30, 2005. Nineteen (19) of the hours have been counted toward fulfilling the continuing education requirements for the October 1, 2003 through September 30, 2005 biennium.

15. Respondent had not completed a total of 40 hours of board-approved continuing education prior to renewing his license, and therefore failed to comply with the continuing education requirements.

## CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by only obtaining 21 of the required 40 hours of board-approved continuing education during the biennium immediately preceding his application for the renewal of his license for the October 1, 2005 through September 30 2007 biennium, as required by Wis. Adm. Code § PSY 4.01 and 4.02(1)(a), is subject to discipline pursuant to Wis. Adm Code § PSY 5.01(28) and Wis. Stat. § 455.09(1)(g).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Henry S. Sherman, Ph.D., is hereby REPRIMANDED for his conduct.
2. Respondent is prohibited from applying 19 of the 22.5 hours received for completion of the programs identified in finding of fact 13 toward satisfaction of the continuing education required during the October 1, 2005 through September 30 2007 registration biennium.
3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing cost of this proceeding in the amount of \$495.00 pursuant to Wis. Stat. § 440.22(2).
4. Payment shall be mailed 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  
Telephone (608) 267-3817
5. In the event Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order.
6. This Order is effective on the date of its signing.

Wisconsin Psychology Examining Board

By: Don Crowder  
A Member of the Board

3/14/07  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
HENRY S. SHERMAN, Ph.D., : STIPULATION  
RESPONDENT. : LS 0702153 PSY

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[Division of Enforcement Case # 06 PSY 032]

It is hereby stipulated and agreed, by and between Henry S. Sherman, Ph.D., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement (file 06 PSY 032). Respondent consents to the resolution of this matter by stipulation and without a hearing.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Henry S. Sherman, Ph.D.  
Respondent  
5583 Waterford Lane  
Appleton, WI 54913

Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date

[06 PSY 032: Costs \$495.00]

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