

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	LS 9610101 PSY
	:	
STEVEN P. KAPLAN, PH.D.	:	90 PSY 044
RESPONDENT.	:	

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Steven P. Kaplan, Ph.D.
321 W. Briar Lane
Green Bay, WI 54301

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. Steven Kaplan, Ph.D., Respondent, date of birth March 5, 1954, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 001120, which was first granted November 16, 1984.
2. That Respondent's most recent address reported to the Department of Regulation and Licensing is 321 W. Briar Lane, Green Bay, Wisconsin 54301.
3. By November of 1989 Respondent had provided psychotherapy to clients for one and one half years, but was relatively inexperienced in providing intense psychotherapy.

4. Patient One, a female client then 33 years of age, was seen by Respondent in his professional capacity for psychotherapy from November 28, 1988 through April 23, 1990.

5. Respondent Provided Patient One with psychotherapy, on the following dates:

- a. 1988: November 28;
December 5, 12, 19, and 27.
- b. 1989: January 3, 28 and 30;
February 6, 13, 20 and 27;
March 6, 13, 15, 20, 27 and 29;
April 3, 6, 10, 17 and 25;
May 2, 8, 16, 22 and 31;
June 8, 14, 17, 21, 28, 29 and 30;
July 19, and 26;
August 8, 18 and 31;
September 11, 18 and 25;
October 2, 9, 16, 23 and 30;
November 6 and 20;
December 4, 11, 18 and 27.
- c. 1990: January 8, 15, 24, and 29;
February 7, 10 and 19;
March 19 and 26;
April 4, 9, 16 and 23.

6. Respondent initially diagnosed Patient One as suffering from dysthymia, and during the time Patient One was in psychotherapy with Respondent, they dealt with her personal and marital difficulties, including a recent miscarriage and her feelings of low self esteem.

7. On June 21, 1989, Respondent noted in the record that Patient One appeared to have erotic transference towards him.

8. In subsequent therapy sessions Patient One's sexual issues were discussed on occasion and in August of 1989 there was further discussion of her sexuality. On that date Respondent suggested that Patient One read a specific book to assist her in understanding those issues.

9. On August 31, 1989 Respondent noted in the record increased transference by Patient One.

10. Respondent noted his therapeutic strategy in the record on October 16, 1989 as:

“Attempting to help her change perspective on accepting love from others -- may see me as giving her love beyond emotional support, but I will have to provide UPR (unconditional positive regard) and hope that she will respond by increasing ability to take it from others.”

11. Patient One was emotionally distressed at the end of the session on January 8, 1990, and Respondent gave her an unsolicited hug, which Respondent noted in the record as a therapeutic hug. Respondent also noted in the record that day that he was beginning to see Patient One feeling strong transference to him and that she was feeling ambivalent toward him as he took on characteristics of her husband.

12. At the next session of January 15, 1990, she asked him to hold her and he declined to do so because he sensed it would not be therapeutic for him to do so.

13. From January through April, Respondent noted in the record that Patient One was looking to him for more than emotional support. In April he noted that she was falling in love with him and was angry with him for not following through on those feelings.

14. In the latter part of April 1990, Patient One self-referred herself to another psychotherapist and no longer went to Respondent for psychotherapy.

15. Through the period of time that Respondent provided psychotherapy to Patient One, although he frequently identified strong transference on the part of Patient One and recorded it in the treatment record, he rarely explored and processed it with her. For this reason, Patient One was confused by her feelings and Respondent's therapeutic techniques.

16. Through the period of time that Respondent provided psychotherapy to Patient One, he never sought consultation with another mental health professional regarding Patient One.

CONCLUSIONS OF LAW

1. The 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 engaging in the conduct set out above is subject to discipline pursuant to § 455.09(1)(g), Stats. and Wis. Adm. Code § PSY 3.02 (1990).

ORDER

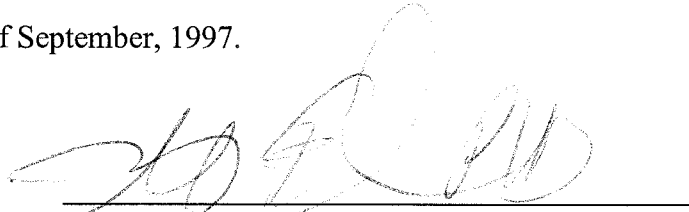
NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Steven P. Kaplan, Ph.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED

1. That Respondent shall, on November 5 in Oconomowoc or November 6 in Madison, take and complete at his own expense "Professionals at Risk: Ethical Boundaries in Relationships", a one day seminar taught by Gary R. Schoener, which is being sponsored by the University of Wisconsin Extension. Respondent shall, by November 30, 1997, provide evidence of compliance with this paragraph to the Department Monitor.
2. That, in the event that Respondent is unable to take or complete the course set out in the preceding paragraph because of illness or other circumstances acceptable to the Board or its designee, Respondent shall, within six months of the date of this order, take and complete another program on the same subject, which shall first be approved by the Board or its designee. Respondent shall, within 30 days of completing the program, provide evidence of compliance with this paragraph to the Department Monitor.

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 9th day of September, 1997.



Stephen F. Seaman, Ph.D.
Chairperson
Psychology Examining Board

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PROCEEDINGS AGAINST	:	LS 9610101 PSY
	:	
STEVEN P. KAPLAN, PH.D.	:	90 PSY 044
RESPONDENT.	:	

STIPULATION


It is hereby stipulated and agreed, by and between Steven P. Kaplan, Ph.D., Respondent; Mary Lou Robinson, attorney for Respondent; and, John R. Zwieg, as 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 investigation (90 PSY 044) and disciplinary proceeding (LS 9610101 PSY) against Respondent by the Wisconsin Department of Regulation and Licensing, Division of Enforcement on behalf of the Wisconsin Psychology Examining Board.
2. The Parties agree that this stipulated resolution may be presented directly to the Psychology Examining Board and need not be presented to the Administrative Law Judge assigned to the disciplinary proceeding.
3. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
4. Respondent is aware of his right to seek legal representation prior to signing this Stipulation, and has done so.
5. Respondent neither admits nor denies the allegations in this matter, but 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.

6.. 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.

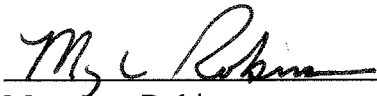
7. The parties to this Stipulation agree that the Respondent, Respondent's attorney, the attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

Dated this 12 day of August, 1997.




Steven P. Kaplan, Ph.D.
Respondent

Dated this 7 day of August, 1997.



Mary Lou Robinson
Attorney for Respondent

Dated this 25th day of July, 1997.



John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement