

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	LS 9705091 PSY
	:	
EUGENE BRAAKSMA, PHD,	:	96 PSY 023
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

Eugene Braaksma, Ph.D.
2228 E. Newberry Boulevard
Milwaukee, WI 53211

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. Eugene Braaksma, Ph.D., Respondent, date of birth April 22, 1948, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 1236, which was first granted September 12, 1986.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2228 E. Newberry Boulevard, Milwaukee, WI 53211.
3. Pursuant to §§ 440.08(2)(a)64., and 455.06, Stats., each person licensed to practice as a psychologist in the state of Wisconsin must renew that license biennially, by October 1 of each odd numbered year.
4. Wis. Adm. Code § Psy 4.01 states that in order to be qualified to renew the license, the licensee must have met the continuing education requirements specified in Wis. Adm. Code § Psy 4.02.

5. Wis. Adm. Code § PSY 4.02(1), promulgated pursuant to §§ 455.06 and 455.065, Stats., requires each licensee to complete at least 40 hours of board-approved continuing education in each biennial registration period to be eligible to register for the next biennial registration period.

6. Prior to October 1, 1995, 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 to practice psychology in the state of Wisconsin for the October 1, 1995 through September 30, 1997 biennium.

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

"I have, or will have completed the 40 contact hours of board-approved continuing education during the biennium immediately preceding this application (10/1/93-9/30/95), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request."

8. Respondent signed and returned the renewal form certifying that Respondent had completed the required continuing education requirements of the Psychology Examining Board during the October 1, 1993 through September 30, 1995 biennium.

9. On November 27, 1995, 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, 1995 through September 30, 1997 biennium.

10. Respondent did not respond to the November 27, 1995 request for verification that Respondent had completed the required continuing education.

11. On March 27, 1996, as follow-up to the November 27, 1995 letter, Respondent was sent a second 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, 1995 through September 30, 1997 biennium. That letter noted that Respondent had not answered the earlier letter.

12. Respondent did not respond to that second request for verification that Respondent had completed the required continuing education.

13. The Board referred the matter to the Wisconsin Department of Regulation and Licensing, Division of Enforcement for investigation and possible prosecution, and investigative file 96 PSY 023 was opened on June 20, 1996.

14. On March 4, 1997, the Division wrote to Respondent and advised Respondent that, if Respondent did not provide proof within two weeks of the date of the letter that Respondent had completed the required continuing education, the Division would take appropriate action against Respondent. Respondent was also advised that if Respondent did not respond within thirty days, the Division would include a count in a disciplinary complaint that Respondent failed to cooperate with this investigation.

15. Respondent did not respond to the March 4, 1997 letter from the Division.

16. On March 21, 1997, the Division contacted Respondent at his office by telephone to confirm Respondent's home address and to inquire if Respondent had received the March 4, 1997 letter. Respondent said he had been out of town for a couple of weeks and would look for the letter over the weekend.

17. Respondent did not make further response to the March 21, 1997 telephone call from the Division.

18. On April 4, 1997, the Division again contacted Respondent at his office by telephone to confirm that Respondent received the March 4, 1997 letter. Respondent acknowledged receipt of the letter and stated that verification of Respondent's completion of the required continuing education had been mailed to the Division the previous day or that morning.

19. However, it was actually not until April 10, 1997 that Respondent actually sent verification of those continuing education courses he had attended. Rather than sending the information to the person in the Division who had written to Respondent in March of 1997 and who had called Respondent in March and April of 1997, Respondent addressed the materials to the Psychology Examining Board and did not indicate that the materials were in response to a request by anyone.

20. Because Respondent did not address the materials to the Division and did not indicate that he was sending them in response to a request for the materials, the Board offices returned the materials to Respondent in June and the Division did not receive the materials sent by the respondent on April 10.

21. On April 16, 1997, the Division wrote to Respondent at Respondent's home and office addresses informing him that the Division had not received the verification of Respondent's completion of the required continuing education. The letter advised Respondent that, if Respondent did not provide proof within one week of the date of the letter that Respondent had completed the required continuing education, the Division would issue a formal disciplinary complaint against Respondent.

22. Respondent did not respond to the April 16, 1997 letter and on May 7, 1997 the Division mailed to Respondent a Notice of Hearing and Complaint, which alleged that Respondent had committed unprofessional conduct for having failed to cooperate with the Division's investigation and for having made a false statement on his application for renewal when he stated he had verification of the continuing education credits and that he would send them to the Board upon request.

23. On June 11, 1997, the Division received Respondent's mailing of verification of those continuing education programs completed by Respondent.

24. On July 9, 1997, the Division called Respondent and explained that the verifications the Division received from Respondent included a course from the incorrect biennium and the verifications for courses taken in the correct biennium totaled less than 40 credits. Respondent indicated that he would look for additional verifications and send them to the Division.

25. On July 18, 1997 the Division received another mailing from Respondent containing verifications of continuing education courses.

26. The information provided by Respondent to the Division includes verification that Respondent had completed the following hours of continuing education, during the October 1, 1993 through September 30, 1995 biennium, prior to renewing Respondent's license for the October 1, 1995 through September 30, 1997 biennium:

Date	Course	Hours
7/29-30/94	Many Faces of PTSD Implications and Intervention	16
9/09/94	Private Practice Sanity Workshop	7
9/28/94	DPI - 10th Annual State Superintendent Conf. for Special Education and Pupil Services Leadership	10
9/05/95	Tarasoff & Beyond	4
TOTAL		37

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 respond in a timely manner to the requests for verification that Respondent had completed the required continuing education, has committed unprofessional conduct and is subject to discipline pursuant to Wis. Adm. Code § PSY 5.01(24) and § 455.09(1)(g), Stats.

4. Respondent, by signing the license renewal form which states "I have, or will have completed the 40 contact hours of board-approved continuing education during the biennium immediately preceding this application (10/1/93-9/30/95), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request", is subject to discipline pursuant to § 455.09(1)(d), Stats., for using fraud or deception in the application for a license.

5. 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 10/1/95-9/30/95 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.

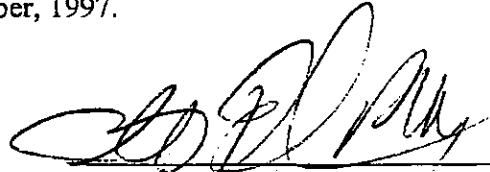
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent is hereby REPRIMANDED for his conduct.
2. That Respondent shall complete at least 43 hours of Board-approved continuing education during the 10/01/95 through 9/30/97 biennial registration period prior to being eligible to apply for registration for the 10/01/97 through 9/30/99 biennial registration period.
3. That Respondent shall provide verification to the Division of Enforcement that he has complete at least 43 hours of Board-approved continuing education during the 10/01/95 through 9/30/97 biennial registration period prior to applying for registration for the 10/01/97 through 9/30/99 biennial registration period.
4. That Respondent shall, within 30 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$400.00.

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

t:\je\legal\brksmord.doc

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	LS 9705091 PSY
	:	
EUGENE BRAAKSMA, PHD,	:	96 PSY 023
RESPONDENT	:	

STIPULATION


It is hereby stipulated and agreed, by and between Eugene Braaksma, Ph.D., 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 (file 96 PSY 023) and disciplinary proceeding (LS 9705091 PSY) against Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the 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.
5. Respondent admits the allegations in this matter, and 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.

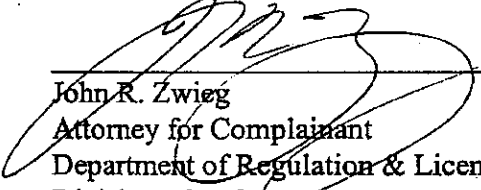
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties 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, if any, an 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 30th day of August, 1997.


Eugene Braaksma, Ph.D.
Respondent

Dated this 18th day of August, 1997.


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

t:\je\legal\brksmstp.doc