

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 :

JIM MORNINGSTAR, PH.D. :
RESPONDENT. :

92 PSY 010
LS9706192PSY

FINAL DECISION AND ORDER

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

Jim Morningstar, Ph.D.
2728 N. Prospect Ave.
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. Jim Morningstar, Ph.D., Respondent, date of birth October 22, 1945 holds psychologist license number 000473, which was first granted April 28, 1973, from the Wisconsin Psychology Examining Board.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2728 N. Prospect Ave., Milwaukee, WI 53211

3. From 1983, Respondent has been affiliated with Creative Counseling and Consulting Services an outpatient psychotherapy clinic where, in addition to providing individual psychotherapy to clients, Respondent provided group therapy to clients through a series called Personal Integration Program (PIP), which included elements called: Creative Life Series; Core Group; Body Aliveness Series (BAS); Consultations; and, Pleasure Intensive Weekend.

COUNT I

4. During that period of time, Respondent has also provided seminars with titles such as: Group Facilitator Training; Holistic Counseling Training; and, The Pleasure of Breath & Body Mastery - A Midwest Rebirth Training.

5. In May, 1988, Ms. A, who was then 38 years of age, participated in one of Respondent's rebirthing seminars. She participated in another of Respondent's rebirthing seminars in June of 1988.

6. On August 30, 1988, Ms. A entered into individual psychotherapy with Respondent. Respondent's initial diagnosis was prolonged depressive reaction. There were individual psychotherapy sessions on 8/30/88, 9/19/88, 10/10/88, 11/11/88 and 1/30/89.

7. Respondent also provided therapy to Ms. A. on 5/12/89, 7/14/89, 8/10/89, and 9/14/89. At the 9/14/89 session, Respondent encouraged Ms. A to join the six month Personal Integration Program

8. From November, 1989 through May, 1990, Ms. A received group and individual therapy from Respondent in his Personal Integration Program.

9. Respondent also provided therapy to Ms. A. on 7/17/90, 10/29/90, 11/7/90 and 11/27/90.

10. Respondent, through Transformations, Inc., publishes a newsletter called *Transformations* which is distributed to individuals who participate in Respondent's seminars, among others.

11. The Spring/Summer 1990 issue of *Transformations* included a list of all of the participants in the Personal Integration Program group therapy for the November, 1989 through May, 1990 period. The list included Ms. A's name as a participant. No one requested or received Ms. A's permission to disclose through the newsletter that she was a participant in that group therapy.

COUNT II

12. Respondent's records of Ms. A's treatment consist of: an initial assessment form and a treatment plan each dated 8/30/88; a discharge summary dated 6/12/91; and less than three pages of progress notes covering approximately 60 individual or group sessions. The progress

notes have a date for each session followed by a few words of a general nature. Some of the progress notes were signed by Respondent and others have only a stamped impression of Respondent's signature.

13. Respondent's records of Ms. A's treatment were inadequate to communicate to another professional what had occurred in treatment and fell below the level of minimal competency for a psychologist at that time.

COUNT III

14. During the period of time that Respondent provided psychotherapy to Ms. A, Respondent strongly encouraged Ms. A to enroll in Respondent's educational seminars, for which Ms. A would have to pay Respondent tuition.

15. Respondent encouraging Ms. A to enroll in seminars which would result in tuition paid to Respondent had the potential for misuse of Respondent's influence over his client and fell below the level of minimal competency for a psychologist at that time.

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's public disclosure, without the consent of Ms. A, that Ms. A. was in Respondent's Personal Integration Program therapy group, as set out in Count I was a violation of Wis. Adm. Code § PSY 3.02(13) (1990) for revealing information relating to a client without the consent of the client and subjects Respondent to discipline pursuant to §455.09(g). Stats.

4. Respondent's failure to keep adequate records of Ms. A's treatment , as set out in Count II was a violation of Wis. Adm. Code § PSY 3.02(2) (1990) and subjects Respondent to discipline pursuant to §455.09(g). Stats.

5. Respondent , encouraging Ms. A to enroll in seminars which would result in tuition paid to Respondent, as set out in Count III was a violation of Wis. Adm. Code § PSY 3.02(2) (1990) and subjects Respondent to discipline pursuant to §455.09(g). Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent be and hereby is REPRIMANDED.

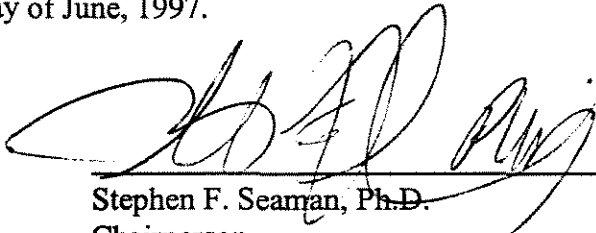
IT IS FURTHER ORDERED, effective immediately, that

1. Respondent shall keep in each client's treatment record the following information regarding each individual and group therapy session Respondent has with that client:
 - a. Date of session.
 - b. Whether it was an individual or group session.
 - c. Sufficient information of what occurred and was discussed during the session to allow interpretation by other mental health care practitioners for the benefit of the client.
 - d. Be sufficiently legible to be read and understood by other mental health care practitioners.
 - e. Be personally signed by Respondent.

2. In order to avoid improper dual relationships with therapy clients:
 - a. Respondent shall not encourage any current therapy client to enroll in any educational program or seminar which Respondent teaches or facilitates.
 - b. If any person who has been a student in any educational program or seminar which Respondent taught or facilitated desires to become a therapy client of Respondent, before accepting that person as a therapy client Respondent shall consult with another mental health care practitioner who shall agree that accepting that person as a therapy client will not create an improper dual relationship.

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 19th day of June, 1997.



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

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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: 92 PSY 010
JIM MORNINGSTAR, PH.D. :
RESPONDENT. :

STIPULATION

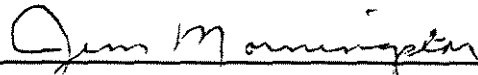
It is hereby stipulated and agreed, by and between Jim Morningstar, Ph.D., Respondent; and, John R. Zwiig, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation (92 PSY 010) of Respondent by The Wisconsin Department of Regulation and Licensing, Division of Enforcement on behalf of the Wisconsin Psychology Examining Board.
2. 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.
3. Respondent is aware of his right to seek legal representation prior to signing this Stipulation.
4. 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.
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.

7/21/02 JWL


6. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, 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 17 day of June, 1997.



Jim Morningstar, Ph.D.
Respondent

Dated this 18th day of June, 1997.



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

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In signing this document I am affirming my professional responsibility to keep clients records in a way that communicates adequately their issues while safeguarding their rights and to structure professional relationships in ways that serve and protect the highest interests of those with whom I work.

Jim Morningstar

1997 JUN 18

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