

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/wscca>

- 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 :

PALMA CABILES, Ph.D. :
RESPONDENT. :

Case Number: L59804144 PSY

97 PSY 16

FINAL DECISION AND ORDER

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

Palma Cabiles, Ph.D.
3172 Coral Drive
Oceanside, CA 92056

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. Palma Cabiles, Ph.D., Respondent, date of birth February 1, 1928, is licensed to practice psychology in the state of Wisconsin by the Wisconsin Psychology Examining Board pursuant to license number 000890, which was first granted March 13, 1981.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3172 Coral Drive, Oceanside, California, 92056.

3. Respondent currently resides in California, where she is not licensed as a psychologist and is not practicing as a psychologist. Respondent is retired and at this time does not intend to return to Wisconsin to practice psychology.

COUNT I

4. During 1995 and 1996, Respondent was a federal civil service employee employed by the U.S. Department of the Army as a clinical psychologist at the Mannheim Mental Health Clinic in Germany.

5. On March 28, 1996, the U.S. Army MEDDAC Heidelberg temporarily suspended Respondent's clinical privileges for a period not to exceed 60 days. The suspension was based on a Quality Assurance investigation that "revealed serious ethical violations in the areas of patient confidentiality, improper dual relationships, and neglect of supervision of the behavioral science specialists in the Mannheim Mental Health Clinic."

6. Respondent retired from civil service on April 13, 1996.

7. Although Respondent had retired, the March 28, 1996 decision was reviewed at various levels in the chain of command and on August 16 1996, Respondent was notified that her clinical privileges at U.S. Army MEDDAC Heidelberg were restricted for 6 months, as follows:

- a. Respondent would work under the supervision of a licensed clinical psychologist for 6 months with a 100% review of intake notes, formulations of diagnosis, treatment plans, progress notes, and direct (or video tape) observation of treatment sessions twice a month. Other supervisory sessions will be conducted twice weekly.
- b. Respondent would not have any supervisory responsibilities nor pull call.
- c. Respondent will receive education on dual relationships.

COUNT II

8. 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.

9. 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.

10. 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.

11. Prior to October 1, 1997, the Wisconsin Department of Regulation and Licensing sent Respondent a form to execute and return with the required fee if Respondent wished to renew her license to practice psychology in the state of Wisconsin for the 10/1/97 - 9/30/99 biennium.

12. 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 (10/1/95 - 9/30/97), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request.”

13. Respondent signed and returned the renewal form certifying that Respondent had completed the required continuing education requirements of the Psychology Examining Board during the 10/1/95 - 9/30/97 biennium.

14. On March 20, 1998, the Division of Enforcement sent Respondent 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 10/1/97 - 9/30/99 biennium.

15. In response to the Division's inquiry, Respondent revealed that she had completed only 17 credits of board-approved continuing education during the 10/1/95-9/30/97 biennium.

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 engaging in the conduct set out above, is subject to discipline pursuant to Wis. Adm. Code § Psy 5.01 and §455.09(1)(g), Stats.

4. Respondent, by failing to obtain 40 contact hours of board-approved continuing education during the biennium immediately preceding her application for the renewal of her license for the 10/1/97-9/30/99 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 shall not practice psychology in the state of Wisconsin until such time as Respondent has appeared before the Wisconsin Psychology Examining Board in person to allow the Board to make such inquiry of Respondent as to qualifications and other matters as the Board considers proper.
2. That based upon the results of the Respondent's appearance before the Board, the Board may place reasonable limitations on Respondent's practice of psychology.
3. That within six months of the date of this order, Respondent shall provide proof sufficient to the Board that Respondent has obtained an additional 23 credits of board-approved continuing education, which shall be applied to complete the continuing education requirements for the 10/1/95 - 9/30/97 biennium.
4. Respondent shall not renew her license to practice psychology in the state of Wisconsin for future bienniums, until such time as Respondent has provided proof sufficient to the Board that she has obtained the 23 credits of board-approved continuing education to be applied to complete the requirements for the 10/1/95 - 9/30/97 biennium and 40 additional credits of board-approved continuing education required for the 10/1/97 - 9/30/99 biennium plus any additional credits required for each biennium which may have expired prior to her seeking renewal of her license.
5. If Respondent fails to comply with the requirements of paragraph three of this order, Respondent's license to practice psychology in the state of Wisconsin shall be immediately suspended.

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 14th day of April, 1998.



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

STATE OF WISCONSIN
BEFORE THE WISCONSIN PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PALMA CABILES, PH.D.
RESPONDENT.

:
:
: Case Number:
:
:

STIPULATION

It is hereby stipulated and agreed, by and between Palma Cables, Ph.D., Respondent; Dorothy J. Clarke of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., attorneys 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 of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Psychology Examining Board (investigative file 97 PSY 016).
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. The parties agree 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.
4. 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 administrative law judge 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.

5. The parties to this stipulation agree that the Respondent, Respondent's attorney, 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.

6. The parties agree to waive the costs of the proceeding.

Dated this 4th day of April, 1998. Palma Cabiles, Ph.D., M.P.H.
Palma Cabiles, Ph.D.
Respondent

Dated this 8th day of April, 1998. Dorothy J. Clarke
Dorothy J. Clarke
Reinhart, Boerner, Van Deuren, Norris
& Rieselbach, S.C.
Attorneys for Respondent

Dated this 13th day of April, 1998. John R. Zwieg
John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

I:\legal\cabstip.doc