

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing 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 Regulation and Licensing 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 Regulation and Licensing 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 Regulation and Licensing, 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 Regulation and Licensing 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 DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JONATHAN C. HOISTAD, PH.D.,

RESPONDENT

Case No. LS9912075PSY

FINAL DECISION AND ORDER

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

Jonathan C. Hoistad, Ph.D.
2550 University Avenue West
Saint Paul, MN 55114

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. Jonathan C. Hoistad, Ph.D., Respondent, date of birth December 29, 1946, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 1535, which was first granted February 13, 1990.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2550 University Avenue West, Saint Paul, MN, 55114.
3. On December 11, 1998, The Minnesota Board of Psychology accepted and issued a Stipulation and Consent Order, which was a disciplinary action against Respondent.
4. As required by Wis. Adm. Code § PSY 5.02 (29), Respondent promptly advised the Wisconsin Psychology Examining Board of the December 11, 1998 discipline imposed by the Minnesota Board.
5. The Minnesota Board found that:

- a. From September, 1992 to December 2, 1994, while Respondent was employed as a psychologist at Minneapolis Psychiatric Institute (MPI), which is owned by Allina Health System (Allina), Allina conducted an audit of Respondent's practice and Allina terminated his employment following the investigation.
- b. In 1994, as part of Allina's audit, Respondent's psychological testing and written report data on seven clients were reviewed by three independent psychologists. Each reviewer found numerous problems with Respondent's testing and documentation, including use of outdated tests, outdated or nonstandard methods of administering tests, inaccurate scoring and interpretation of tests, inadequate documentation of tests, and test data that did not support diagnoses and recommendations.
- c. The Minnesota Board of Psychology concurred with a number of the reviewers' conclusions.
- d. Respondent frequently used non-standard test administration and scoring methods with the WAIS-R, WISC-R, Rorschach, and other psychological tests.
- e. Respondent routinely violated minimum validity requirements for the scoring, interpretation, and application of the WISC-R, Rorschach, and Bender Visual-Motor Gestalt tests.
- f. Respondent frequently failed to record verbatim test responses in accordance with accepted standards of practice.
- g. Regarding one client, Respondent assigned scale scores to two WAIS-R subtests that he did not administer.
- h. Regarding a second client, Respondent assigned subjective, arbitrary, and inaccurate percentile scores to the client's WISC-R Verbal, Performance, and Full Scale IQs.
- i. Regarding the second client, Respondent interpreted the client's Rorschach despite having an insufficient number of responses for a valid interpretation.
- j. With respect to a number of clients, Respondent failed to include a written statement about his evaluation methods or procedures, or a statement regarding reservations or qualifications concerning the validity or reliability of the conclusions he formulated and recommendations he made, as required by Board rule.
- k. Respondent allotted an insufficient amount of time to properly administer his test battery. Respondent estimates that his current evaluation battery consists of an initial interview to build rapport, the Bender Visual-Motor Gestalt test, Draw-A-Tree, memory re-testing with the Bender, Kinetic Family Drawings, further interviewing, WAIS-R or WISC-R, Gray Oral Reading Test, further interviewing regarding the client's history, Rorschach, and further interviewing regarding treatment planning, all of which takes place within 85 to 110 minutes.

6. The Minnesota Board found Respondent's practices to be in violation of:

- a. Minn. Stat. § 148.941, subdivision 2(a)(9) (repealed 1996), former Minn. Stat. § 148.95 (repealed 1993), and Minn. Rules 7200.4500, subpart 3, and 7200.5700 (engaging in unprofessional conduct and violation of the code of ethics adopted by the Board);
- b. Minn. Stat. § 148.98 (code of ethics);
- c. Minn. Rules 7200.5000, subpart 1b (failure to administer and interpret psychological tests in a competent manner); and
- d. Minn. Rules 7200.5000, subpart 3 (failure to prepare psychological reports in the manner set out in Board rule).

7. As discipline against Respondent, on December 11, 1998 the Minnesota Psychology Board reprimanded Respondent for his conduct and restricted Respondent's license so that Respondent could not administer, score, or interpret any psychological test until a supervising psychologist was approved by the Committee and the Minnesota Board received written confirmation from the supervising psychologist that he or she would be supervising Respondent. The Minnesota Board received written confirmation of the supervision from the supervising psychologist, and Respondent was then permitted to engage in supervised test administration, scoring, and interpretation, under the terms of his conditional license which were:

- a. Supervision of Respondent by Committee-Approved Psychologist. Respondent was allowed to administer, score, and interpret psychological tests only under the supervision of a supervising psychologist. The supervisory consultation was to include discussions on the nature and content of Respondent's psychological testing, including, but not limited to, a review of a representative sample

of the psychological tests that Respondent administered, scored, or interpreted. Every psychological test that Respondent administered, scored, or interpreted, was to be subject to audit by the supervising psychologist. At least every week, the supervising psychologist was to review a minimum of one randomly selected client record involving psychological testing from the last week. The supervising psychologist was to provide a report of the review directly to the board pursuant to paragraph b below.

b. The supervising psychologist was to provide a report to the Board every three months and at the time Respondent petitioned to have the restriction and conditions removed from his license. All reports were to be submitted on the first day of the month in which they were due. Each report was to provide and/or address:

i) In the first report, evidence that Respondent's supervisor had received and reviewed a copy of the Stipulation and Consent Order;

ii) The dates on which supervision took place with Respondent;

iii) The method by which supervision was conducted;

iv) A statement verifying that Respondent's testing was reviewed and that the client records were randomly selected by the supervising psychologist and detailing the scope of review of Respondent's psychological test administration, scoring, and interpretation, any problems that were discovered in the review, and the resolution of the problems;

v) The supervisor's opinion as to Respondent's ability to provide competent testing services.

vi) Any other information that the supervisor believes would assist the Board in its ultimate review of this matter including, but not limited to, a sample of Respondent's work products;

vii) At the time Respondent petitions for removal of the restriction and conditions, the supervisor's report was to include an assessment of Respondent's ability to conduct himself in a fit, competent, and ethical manner in administering, scoring, and interpreting psychological tests.

c) Respondent was to submit a report to the Board at the time he petitioned to have the restriction and conditions removed from his license. The report was to provide or address:

i) The dates on which the supervision took place;

ii) A brief statement of the topics discussed at each meeting with the supervising psychologist;

iii) A detailed discussion of the knowledge Respondent had obtained from his meetings with the supervising psychologist, including Respondent's own statement as to his comprehension and knowledge of ethical issues encountered in his practice, especially related to the use of outdated tests, outdated or nonstandard

methods of administering tests, inaccurate scoring and interpretation of tests, inadequate documentation of tests, and test data that did not support diagnoses and recommendations;

iv) A detailed discussion in which Respondent applied the knowledge he had obtained to the specific violations listed above;

v) A detailed discussion regarding the specific procedures Respondent would implement in his practice to apply the knowledge he had obtained from the meetings with the supervising psychologist;

vi) A discussion of Respondent's reasons for believing that he was capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and

vii) Any other information that Respondent believes would assist the Board in its ultimate review of this matter.

d) During his next renewal period, Respondent was to complete at least 20 units of his required continuing education in the area of psychological test administration, scoring, and interpretation. Respondent would be permitted to apply these units to his continuing education requirement for licensure renewal pursuant to Minnesota Rules 7200.3820 and Minnesota Rules 7200.3830.

e) Respondent was to successfully complete the examination described in Minnesota Rules 7200.3000, subpart 1(B) within 90 days of the date of this Stipulation and Consent Order.

f) Respondent was assessed a civil penalty in the amount of \$3000. Payment of \$3000 was to be submitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414, within 60 days of the date of this Stipulation and Consent Order.

g) Respondent was to pay for all costs incurred as a result of compliance with this Stipulation and Consent Order.

8. Respondent has complied with all the conditions placed upon him by the Minnesota Psychology Board and on October 15, 1999, that Board issued Respondent an unrestricted and unconditional license.

9. Respondent did not practice psychology in Wisconsin during the time his Minnesota license was restricted or limited.

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 conduct set out in paragraph 5, has committed misconduct as defined by Wis. Adm. Code § 5.01(2) and is subject to discipline pursuant to § 455.09(1)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Jonathan C. Hoistad, Ph.D., is REPRIMANDED for his conduct.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 7th day of December, 1999.

Stephen F. Seaman, Ph.D.

Chair

Psychology Examining Board