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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARY KATE HUDGINS, PH. D.,

RESPONDENT.

Case No. LS9912076PSY

FINAL DECISION AND ORDER

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

Mary Kate Hudgins, Ph.D.
1460 Stoney Creek Drive
Charlottesville, VA 22902

Wisconsin Psychology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in this matter, subject to the approval of the Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mary Kate Hudgins, Ph.D., Respondent, date of birth March 24, 1953, was licensed and registered to practice psychology in the State of Wisconsin, pursuant to license number 1400, which was first granted on November 11, 1988.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1460 Stoney Creek Drive, Charlottesville, VA 22902.
3. Respondent's license to practice psychology in Wisconsin expired on September 30, 1997, when Respondent chose not to renew the license.
4. At this time, Respondent could renew her license to practice psychology in Wisconsin by merely showing that Respondent has accumulated the required number of continuing education hours and by the payment of fees.

5. At all times relevant, Respondent practiced as a psychologist providing individual, family and group therapy to clients at the Center for Experiential Learning in Madison, Wisconsin. Respondent also practiced psychology and was a psychodrama trainer, and Director of The Psychodrama Theater of Protection in Black Earth, Wisconsin.

COUNT I (Continuing Education)

6. 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.

7. 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.

8. 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.

9. 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 her license to practice psychology in the state of Wisconsin for the October 1, 1995 through September 30, 1997 biennium.

10. 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."

11. 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.

12. 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.

13. Respondent received the November 27, 1995 letter shortly after it was mailed. Respondent was intending to leave the country for an extended period of time, but had not yet left.

14. Neither Respondent, nor anyone on her behalf, ever responded to the November 27, 1995 request for verification that Respondent had completed the required continuing education.

15. On March 27, 1996, as follow-up to the July 20, 1998 letter, Respondent was sent a second letter requesting that by May 10, 1996 Respondent 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.

16. On April 17, 1996, Respondent wrote to the Bureau from New Zealand and indicated she had been in Australia and New Zealand for the past five months and that was why she had not responded to the letters. She said that she would submit documentation following her return on May 28, 1996. Respondent had not been out of the country for five months as she claimed.

17. Respondent did not provide the Bureau with the requested information upon her return in May of 1996. The Board then referred the matter to the Wisconsin Department of Regulation and Licensing, Division of Enforcement (DOE) for investigation and possible prosecution.

18. In October of 1996, a DOE investigator notified Respondent's attorney that he was investigating the failure to verify continuing education. In December of 1996, Respondent's attorney sent information regarding Respondent's obtaining of continuing education.

19. That information showed the following regarding continuing education credits during the October 1, 1993 through September 30, 1995 biennium:

a. Respondent claimed to have attended 23 credit hours, which had been approved by the Board, but provided no verification she had done so.

b. Respondent provided verification of having attended 18.5 credit hours, which had not been approved by the Board.

c. Respondent claimed to have attended an additional 39.5 credit hours, which had not been approved by the Board, and provided no verification she had done so.

d. Respondent did not provide verification of having attended any credit hours which had been approved by the Board.

COUNT II (Record Keeping)

20. From January of 1992 through March of 1993, Respondent provided individual therapy to Client One on a frequent basis. Respondent transferred Client One's care to another therapist in March of 1993.

21. At the time her treatment was transferred, Client One requested copies of her treatment records from Respondent. The only records Respondent had made of the many sessions over the 14 months of therapy were four notes and one undated and unsigned intake evaluation.

22. This lack of records was consistent with Respondent's usual record keeping practices. Respondent admits that her usual practice regarding individual notes was to record only the date and time that an individual therapy session took place and not to record actual progress or therapy notes.

23. Respondent's record keeping did not meet the minimal standards of practice for a psychologist during that time period

COUNT III (Practicing While Impaired)

24. Respondent practiced psychology in Wisconsin during the period May, 1994 through October, 1995.

25. On several occasions during the period May 1994 through October, 1995, Respondent smoked marijuana immediately prior to conducting therapy sessions with clients.

26. During the period May 1994, through October, 1995, Respondent was using and abusing alcohol. One morning during that period, Respondent was observed drinking scotch at 10:30 a.m., immediately prior to conducting a therapy session with a client. The client confronted Respondent about the odor of alcohol on Respondent. Respondent stated to the client that the odor was a result of Respondent having just had a dental appointment. Respondent's statement to the client was not true.

27. Respondent attempted suicide the night of October 28-29, 1995, with an overdose of medication. It resulted in an in-patient admission on a psychiatric unit on November 2, 1995.

28. During portions of the period May, 1994 through October, 1995, Respondent practiced psychology while Respondent had a mental impairment, which was reasonably related to Respondent's ability to adequately undertake the practice of psychology in a manner consistent with the safety of patients.

COUNT IV (Dual Relationships)

Barter for Fees

29. From 1990 through June 30, 1997, Respondent provided individual, family and group therapy to clients at the Center for Experiential Learning in Madison, Wisconsin. Respondent also conducted some of the clinical and training workshops for professionals presented at The Center for Experiential Learning.

30. Beginning approximately October, 1992, Respondent also practiced psychology and was a psychodrama trainer, and an owner and the director of The Psychodrama Theater of Protection in Black Earth, Wisconsin. There Respondent provided therapy and conducted personal growth workshops and training workshops in therapeutic models. Respondent also owned The Lodge, a renovated log cabin located on the theater grounds, where participants could reside while attending programs.

31. Client One received the following professional services from Respondent:

a. July, 1990 - Client one, who was then 36 years old, attended a three day intensive group therapy workshop for sexual abuse survivors, which was presented by Respondent.

b. Weekly group therapy for sexual trauma survivors.

c. January 7, 1992 through March 3, 1993 - individual psychotherapy.

d. March 3, 1993 through November 30, 1993, Respondent supervised individual and group therapy provided by other practitioners at the Center for Experiential Learning.

32. Beginning in December of 1992, during the time when Respondent was providing treatment services to Client One, Respondent employed Client One to clean The Lodge in Black Earth and The Psychodrama Theater of

Protection. Client One cleaned Respondent's facilities in exchange for therapy sessions until July 15, 1993, when Client One was hospitalized through August 17, 1993 as a result of her suicidality.

33. The American Psychological Association's Ethical Principles of Psychologists, which became effective December 1, 1992, states:

Psychologists ordinarily refrain from accepting goods, services of other nonmonetary remuneration from patients or clients in return for psychological services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. A psychologist may participate in bargaining only if (1) it is not clinically contraindicated, and (2) the relationship is not exploitive.

34. Barter with Client One was not exploitive, but was clinically contraindicated.

35. Respondent also entered into barter arrangements with at least two other clients in 1993, by which the clients provided landscaping or other services to Respondent as payment for therapy fees owed to Respondent.

Relationship with Trainee

36. Trainee A was a psychological and psychodramatic trainee under the supervision of Respondent from November 1990 through December of 1993.

37. While Respondent was supervising Trainee A, Respondent asked Trainee A if she would be interested in having a romantic relationship with Respondent. Trainee A declined the offer. Respondent indicated to Trainee A that Respondent expected Trainee A to hug Respondent in greeting when Trainee A came in for supervision and training and when she left. If the Trainee A did not hug Respondent, Respondent became offended.

38. During the period of supervision, Respondent sent Trainee A several written communications that indicated that Respondent loved Trainee A.

39. In the spring of 1993 Respondent invited Trainee A on an all expenses paid week-long vacation to Hawaii. Trainee A declined.

40. On December 15, 1993, Respondent had a chocolate covered bottle of champagne delivered to Trainee A at Trainee A's house.

41. Respondent's conduct with Trainee A constituted a dual relationship which could impair Respondent's objectivity or create a conflict of interest in supervision of Trainee A.

CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction over this matter pursuant to sec. 455.09, Stats.

2. The Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to sec. 227.44(5), Stats.

3. Respondent, by failing to provide verification of having obtained 40 contact hours of board-approved continuing education during the biennium immediately preceding her application for the renewal of her license for the October 1, 1995 through September 30, 1997 biennium, as required by Wis. Adm. Code § PSY 4.01, is in violation of Wis. Adm. Code

§ PSY 5.01(28) and is subject to discipline pursuant to § 455.09(1)(g), Stats.

4. Respondent's conduct, as set out in Count II, violates Wis. Adm. Code

§ PSY 5.01(2) by being grossly negligence in the practice of psychology, and subjects Respondent to discipline pursuant to § 455.09(1)(g) and (h), Stats.

5. Respondent's conduct, as set out in Count III, violates Wis. Adm. Code

§ PSY 5.01(11), by practicing or attempting to practice while Respondent is impaired, and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

6. Respondent's conduct, as set out in Count IV, violates Wis. Adm. Code

§ PSY 5.01(17), by failing to avoid dual relationships that may impair Respondent's objectivity or create a conflict of interest, and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the voluntary surrender by M. Kate Hudgins, Ph.D., of her right to renew her license as a psychologist in the state of Wisconsin is hereby accepted effective immediately.
2. That Respondent shall never apply for renewal of her license from the Wisconsin Psychology Examining Board.
3. That Respondent is notified that if she practices psychology in the state of Wisconsin, while she is not licensed, she shall be in violation of § 455.02(1m), Stats. and subject to the penalties set out in § 455.11 Stats.

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

Stephen F. Seaman, Ph.D.

Chairperson,

Wisconsin Psychology Examining Board