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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

JOHN H. PFLAUM, PHD,
RESPONDENT

FINAL DECISION AND ORDER
LS0012151PSY

The parties to this action for the purposes of § 227.53, Stats., are:

John H. Pflaum, Ph.D.
2266 N. Prospect Avenue, Suite 200
Milwaukee, WI 53202

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. John H. Pflaum, Ph.D., Respondent, date of birth June 19, 1934, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 19, which was first granted March 28, 1970.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2266 N. Prospect Avenue, Suite 200, Milwaukee, WI 53202.
3. Each person licensed as a psychologist in the state of Wisconsin must renew that license biennially, by October 1 of each odd numbered year. [§§ 440.08(2)(a)64., and 455.06, Stats.]
4. To be qualified to renew the license for the October 1, 1999 through September 30, 2001 biennial registration period, the licensee must have completed at least 40 hours of board-approved continuing education, including at least 8 hours in ethics, in the October 1, 1997 through September 30, 1999 biennial registration period. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]
5. Respondent completed only 18 of the required 40 hours of board-approved continuing education and

completed none of the required 8 hours in ethics during the October 1, 1997 through September 30, 1999 biennial registration period.

6. Prior to October 1, 1999, 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 as a psychologist in the state of Wisconsin for the October 1, 1999 through September 30, 2001 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 40 contact hours of board-approved continuing education, including 8 hours in ethics, during the biennium immediately preceding this application (10/1/97-9/30/99), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request."

8. Although he had not completed the continuing education requirements of the Psychology Examining Board during the October 1, 1997 through September 30, 1999 biennium, Respondent signed and returned the renewal form certifying that he had completed the requirements.

9. On November 24, 1999, as part of a random audit that 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, including 8 hours in ethics, which Respondent had claimed to have completed prior to renewing Respondent's license for the October 1, 1999 through September 30, 2001 biennium.

10. In response to this audit, Respondent:

- o Submitted documentation of having completed one board-approved program (totaling 18 hours) and no documentation of completing any hours in ethics.
- o Claimed to have completed six self-developed activities as continuing education. However, Board approval of those activities had never been requested or granted.

11. Based on the limited information provided by Respondent regarding the self-developed activities, those activities would not have been approved as continuing education by the Board. As an example, Respondent claimed 5 hours of continuing education for writing 5 letters to the editors of newspapers of general circulation. The letters addressed political and other non-psychological issues. One of the letters was one sentence in length.

12. On July 26, 2000, the Division of Enforcement (DOE) sent Respondent a letter notifying him of his non-compliance with the Board's continuing education requirements. The letter informed Respondent that:

- o He must request approval from the Board for those programs which lacked prior approval by the Board, before the Board might count them toward fulfilling the continuing education requirements.
- o He must submit documentation of having completed a total of 8 hours in ethics in order to meet requirements.

13. On July 28, 2000, DOE received a letter from Respondent stating that he had fulfilled the continuing education requirements. Respondent did not indicate how he had met the requirements and did not seek approval of the programs which lacked prior approval by the Board, as requested in DOE's letter of July 26.

14. On August 2, 2000, DOE sent Respondent another letter informing him that:

- o The documentation he had submitted in response to the Board's audit did not satisfy the continuing education requirements.
- o That, in order to comply with the Board's requirements, he must submit documentation of having completed an additional 22 hours of board-approved continuing education, including 8 hours in ethics, during the October 1, 1997 through September 30, 1999 biennium.
- o That he must request approval from the Board for those programs which lacked prior approval by the Board, and that as part of the request, must provide information about the programs' content so the Board may determine whether to grant approval.
- o That if he made the request and provided the material and the Board then approved the programs, the Board might count them toward fulfilling the continuing education requirements, even though they were not approved at the time he registered for the October 1, 1999 through September 30, 2001 biennium.

15. On August 7, 2000, DOE received a letter, dated August 8, 2000, from Respondent which did not respond to the continuing education inquiries. The letter, in its entirety, stated:

"In response to your August 2, 2000 letter: If you question my competence and qualifications I am willing to re-take the Psychology Licensing Examination when next administered and either obtain an average (by national norms) or above average score OR voluntarily surrender my license."

16. The "Psychology Licensing Examination" used by the Board is the Examination for Professional Practice in Psychology (EPPP). The Association of State and Provincial Psychology Boards (ASPPB) is the creator and owner of the EPPP. It is the ASPPB's policy that the EPPP may be taken only by candidates for certification/licensure. Respondent is currently licensed as a psychologist and is, therefore, ineligible to take the EPPP.

17. On August 31, 2000, DOE wrote to Respondent and told him that he could not take the examination. The letter also stated that because Respondent had not completed the required continuing education, Respondent had no right to a current license to practice psychology.

[Wis. Adm. Code PSY 4.02(1)(d)]

18. On September 18, 2000, DOE received a call from attorney Thomas Burke of Milwaukee, who said that he was retained to represent Respondent in this matter. Mr. Burke asked that DOE delay taking any action so that Mr. Burke would have time to discuss the matter with Respondent who was leaving for an overseas trip. DOE agreed to wait a reasonable period of time.

19. On Friday, October 27, 2000, at 3:00 p.m., DOE received a fax from Mr. Burke.

- o The fax set out three courses, with a total of 33 ½ continuing education credits, which Respondent proposed to complete to satisfy the 22 credits he had not taken.
- o One of the courses was the same course Respondent had already completed and submitted in response to the audit (Finding of Fact 10). It represented the only 18 credits which Respondent had taken in the previous biennium.
- o The fax did not indicate when Respondent intended to complete the courses.
- o The proposed courses did not provide any of the 8 ethics credits Respondent was lacking from the previous biennium.

20. On October 30, 2000, DOE called Mr. Burke and advised him that DOE needed to know when Respondent intended to complete the courses specified in the October 27 fax, before any consideration could be given to providing credit for the courses. DOE also advised Mr. Burke that Respondent would still be lacking 8 ethics credits. Mr. Burke indicated that he would speak to Respondent and respond to DOE's request.

21. On December 15, 2000, DOE filed a notice of hearing and formal disciplinary complaint based on Respondent's alleged failures regarding continuing education.

22. Subsequent to October 30, 2000, in lieu of the courses proposed in finding of fact 19, above, Respondent took and successfully completed the following courses:

a. *The Ethical Practice of Psychology in Organizations*, an independent study program offered by the American Psychology Association's Continuing Professional Education Committee, approved for nine (9) continuing education credits in ethics. (Completion certified by APA on January 8, 2001.)

b. *Handbook of Clinical Hypnosis – Part B*, an independent study program offered by the American Psychology Association's Continuing Professional Education Committee, approved for 14 continuing education credits. (Completion certified by APA on January 12, 2001.)

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 signing the license renewal form which states "I have or will have completed 40 contact hours of board-approved continuing education, including 8 hours in ethics, during the biennium immediately preceding this application (10/1/97-9/30/99), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request", when he knew that he had not completed such hours, is subject to discipline pursuant to Wis. Adm. Code § PSY 5.01(27) and § 455.09(1)(d), Stats.

4. Respondent, by failing to obtain 40 contact hours of board-approved continuing education, including 8 hours in ethics, during the biennium immediately preceding his application for the renewal of his license for the October 1, 1999 through September 30, 2001 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. Respondent, John H. Pflaum, Ph.D., is hereby REPRIMANDED for the conduct set out above.
2. Respondent is prohibited from applying any of the 9 credits received for *The Ethical Practice of Psychology in Organizations* or any of the 14 credits received for *Handbook of Clinical Hypnosis – Part B* toward satisfaction of the continuing education required during the October 1, 1999 through September 30, 2001 registration biennium.
3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$870.25, pursuant to § 440.22(2), Stats.

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 7th day of February, 2001.

Barbara A. Van Horne, Ph.D.

Chairperson

Psychology Examining Board