

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:

MICHAEL J LACKAS,	FINAL DECISION AND ORDER
RESPONDENT	LS0011161PSY

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

Michael J. Lackas
49 Heritage Court
Fond du Lac, WI 54935

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. Michael J. Lackas, Respondent, date of birth July 14, 1948, is licensed by the Wisconsin Psychology Examining Board for the private practice of school psychology in the state of Wisconsin pursuant to license number 294, which was first granted June 23, 1989.
2. Respondent's last address reported to the Department of Regulation and Licensing is 49 Heritage Court, Fond du Lac, WI 54935.
3. Each person licensed for the private practice of school psychology in the state of Wisconsin must renew that license biennially, by October 1 of each odd numbered year. [§§ 440.08(2)(a)63., and 455.06, Stats.]
4. To be qualified to renew the license for the next biennial registration period, the licensee must have completed at least 40 hours of board-approved continuing education in the previous biennial registration period. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]
5. 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 for the private practice of school psychology in the state of Wisconsin for the October 1, 1999 through September 30, 2001 biennium.

6. 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."

7. Respondent signed and returned the renewal form certifying that he had completed the continuing education requirements of the Psychology Examining Board during the October 1, 1997 through September 30, 1999 biennium.

8. On November 24, 1999, 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, 1999 through September 30, 2001 biennium.

9. On December 22, 1999, in response to this audit, Licensee submitted documentation of having completed four board-approved programs (totaling 34 hours, including only 5 hours in ethics) and documentation of having completed one additional continuing education program (totaling 10 hours) which did not meet requirements because it was not completed during the October 1, 1997 through September 30, 1999 biennium and for which board approval had not been granted.

10. The documentation Licensee submitted on December 22, 1999 did not provide evidence that Licensee had completed a total of 40 hours of board-approved continuing education, including a total of 8 hours in ethics, prior to renewing his license for the October 1, 1999 through September 30, 2001 biennium.

11. On August 7, 2000, the Division of Enforcement (DOE) sent Licensee a letter notifying him of his non-compliance with the Board's continuing education requirements. The letter informed Licensee:

- He must either submit additional documentation of having completed a total of 40 hours of board-approved continuing education during the October 1, 1997 through September 30, 1999 biennium or a plan outlining how he intends to comply with the Board's requirements.
- If he wanted the Board to consider approving the program he completed after September 30, 1999, he needed to provide information about the content of the program for approval by the Board.
- If he did so, the Board would review the information and determine whether to grant approval of the program.
- If the program was now approved by the Board, the Board might count the program toward fulfilling the continuing education requirements for the 1997-1999 biennium.
- He must submit documentation of having completed an additional 3 hours in ethics in order to meet requirements.

12. In response to DOE's letter, Respondent offered to surrender his license for the private practice of school psychology.

13. Respondent did not complete 40 hours of board-approved continuing education, including 8 hours in ethics, during the October 1, 1997 through September 30, 1999 biennium, prior to renewing Respondent's license for the October 1, 1999 through September 30, 2001 biennium, and therefore failed to comply with the continuing education requirements.

14. Respondent has not engaged in the private practice of school psychology after renewing his license for the current biennium and does not plan to do so in the future. Therefore, for personal reasons, Respondent voluntarily surrenders his license for the private practice of school psychology in the state of Wisconsin.

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 failing to obtain 40 contact hours of board-approved continuing education 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. That the surrender by Michael J. Lackas, Respondent, of his license for the private practice of school psychology in the State of Wisconsin is hereby accepted, effective immediately.
2. That if Respondent elects to seek relicensure for the private practice of school psychology, Respondent may be relicensed only if Respondent has provided proof sufficient to the Psychology Examining Board that Respondent has:
 - a. Taken and completed an additional 6 hours of board-approved continuing education, including an additional 3 hours in ethics, which shall be applied to the credit hours Respondent should have obtained during the October 1, 1997 through September 30, 1999 biennium.
 - b. Taken and completed an additional 40 hours of board-approved continuing education, including 8 hours in ethics, which shall be applied to October 1, 1999 through September 30, 2001 biennium.
 - c. Taken and completed an additional 40 hours of board-approved continuing education, including 8 hours in ethics, for any subsequent bienniums which have passed or begun at the time Respondent seeks relicensure.
3. If Respondent seeks relicensure more than 5 years after the date of this order, the Board shall make an inquiry as it finds necessary to determine whether Respondent is competent to practice as a private practice school psychologist in this state, and shall impose any reasonable conditions on relicensure that the Board considers appropriate. The Board shall require Respondent to pass the examination specified under s. 455.045 (2) (b), Stats.
4. 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 \$200.00 pursuant to § 440.22(2), Stats.
5. Payment of costs of the proceeding and any request for relicensure with proof of obtaining continuing education required by this order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

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 15th day of November, 2000.

Barbara A. Van Horne, Ph.D.

Chairperson

Psychology Examining Board