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**State Of Wisconsin**

**Before The Psychology examining Board**

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In The Matter Of Disciplinary Proceedings Against

MILTON N. SILVA, PH.D.,

FINAL DECISION AND ORDER

Respondent

LS0202273PSY

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Division of Enforcement Case #01 PSY 017

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

Milton N. Silva, Ph.D.

2606 E. Jarvis Street

Milwaukee, WI 53211

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 Wisconsin Psychology Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Milton N. Silva Ph.D., personally, and by Michael J. Berndt, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Psychology Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Milton N. Silva, Ph.D., Respondent, date of birth April 14, 1933, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 647, which was granted on October 17, 1977.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2606 E. Jarvis Street, Milwaukee, WI 53211.
3. 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.
4. 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.
5. 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.
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 to practice psychology 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 the 40 contact hours of board-approved continuing education during the biennium immediately preceding this application (10/1/99-9/30/01), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request."

8. 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, 1999 through September 30, 2001 biennium.

9. Respondent has provided verification of completing only the following hours of board-approved continuing education for the October 1, 1999 through September 30, 2001 biennium, subsequent to renewing Respondent's license for the October 1, 1999 through September 30, 2001 biennium:

<u>Date</u>	<u>Course</u>	<u>Hours</u>
January 5, 2002	Professional Liability Claims (PsychoEducational Resource, Inc.)	2
January 18, 2002	On Good Authority: Ethics II (PsychoEducational Resource, Inc.)	4
TOTAL		6

10. Respondent will apply the credits earned in paragraph 9 to the continuing education requirement for the period October 1, 1999 through September 30, 2001.

11. Respondent was 34 hours short of the 40 hours needed to comply with the continuing education requirement during the October 1, 1999 through September 30, 2001 biennium.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to § 455.09, Stats.
2. The Wisconsin Psychology Board has authority to enter into a 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 the 40 contact hours of board-approved continuing education during the biennium immediately preceding this application (10/1/99-9/30/01), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request," 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 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 Milton N. Silva, Ph.D., is hereby REPRIMANDED for his conduct.
2. Respondent shall, within six (6) months of the date of this Order, provide proof sufficient to the Board that Respondent has obtained an additional 34 hours, to include 4 hours in ethics, of board-approved continuing education, which shall not apply to the 40 hours of board-approved continuing education required for the October 1, 2001 through September 30, 2003 biennium.
3. Respondent shall, within 30 days of the date of this Order, pay to the Department of Regulation and Licensing

the partial costs of this proceeding in the amount of \$450.00 pursuant to § 440.22(2), Stats.

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

This Order shall become effective on the date of its signing.

By: Barbara A. Van Horne, Ph.D.

2-27-02

Chairperson

Date