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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

JAMES A. DICKERSON, PH.D.,

FINAL DECISION AND ORDER

RESPONDENT

LS0205222PSY

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

James A. Dickerson, Ph.D.

3613 Haven

Racine, WI 53405

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. James A. Dickerson, Ph.D., Respondent, date of birth July 8, 1948, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 672, which was first granted January 11, 1978.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3613 Haven, Racine, WI 53405.

COUNT I

3. On May 22, 2000, Respondent applied for a license as a clinical psychologist in the state of Wyoming. The Wyoming Board of Psychology denied Respondent's original application because Respondent did not meet the educational requirements under Wyoming law and Board Rules and Regulations.
4. On June 7, 2000, Respondent submitted a request for reconsideration of his licensure application. At that time, the Wyoming Board attempted to verify the information provided by Respondent on his application. During the evaluation process, the Wyoming Board determined:
 - a. Respondent's statement to the Wyoming Board regarding the identity of his current supervisor was not true. Respondent had listed Dr. Merton Cochran at the Veteran's Administration Hospital (VA) in

Sheridan, Wyoming as his current supervisor. However, Dr. Cochran had not been employed at the VA since approximately 1995. Respondent's actual current supervisor was Mr. Tom McGahan.

b. Respondent contended to the Wyoming Board that the only suspension he had received at the VA was for two weeks due to threatening communications he made. However, he had actually been suspended twice for threatening communications. One of those suspensions had been for two weeks and the other had been for nine months.

5. On December 4, 2000, the Wyoming Board notified Respondent of its decision to deny his request for a license as a clinical psychologist based on the following:

a. WYO. STAT. 33-27-117(a)(ii) The applicant must possess a doctoral degree from a program of graduate study in psychology as defined in the rules and regulations, awarded by an institution of higher education. The rules at Chapter 5, Section 2. Educational Requirements, go on to state that "this study must culminate in the awarding of a doctoral degree in clinical or counseling psychology of school psychology for a school psychologist's license." Respondent lacked such a degree.

b. WYO. STAT. 33-27-119(A)(i) requires the applicant to submit evidence the board deems desirable with due regard to the paramount interests of the public regarding his honesty, truthfulness, integrity and competency. Further, the rules at Chapter 5, Section 1. General Requirements (a) state the applicant must be of good moral character and have a reputation for honesty, trustworthiness, integrity and competence. The Board found the Respondent failed to meet this standard because of the inaccurate statements he made during the application process regarding his supervisor and his suspensions

6. Respondent contends he did not lie or provide the Wyoming Board with inaccurate information regarding:

a. his current supervisor. Respondent identified Dr. Merton Cochran on his application as his supervisor because Dr. Cochran was the last psychologist who supervised him. Respondent acknowledged that Mr. Tom McGahan, who is a social worker, was his supervisor at the time he filed his application, however, Respondent did not list Mr. McGahan because Respondent did not feel Mr. McGahan was competent to supervise psychologists.

b. his disciplinary record at the VA. Respondent contends that the disciplinary actions were a result of his position as a union steward representing employees who filed workmen's compensation claims. Respondent reported that he received a 2-week suspension relating to non-face to face comments about management's representative in those workmen's compensation cases. Respondent did not report the second 9-month suspension because it had been overturned after Respondent filed an EEO complaint against the VA for harassment and reprisal.

COUNT II

7. 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. [§§ 440.08(2)(a)64., and 455.06, Stats.]

8. To be qualified to renew the license for the next biennial registration period, the Respondent must have completed at least 40 hours of board-approved continuing education in the previous biennial registration period. [§§ Psy 4.01 and Psy 4.02, Wis. Adm. Code]

9. 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.

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 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." (Emphasis added)

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

12. On April 5, 2001, Respondent was sent a letter by the Division of Enforcement (DOE), as part of an audit which DOE conducts for the Psychology Examining Board of its Respondents. The letter requested 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 his license for the October 1, 1999 through September 30, 2001 biennium.

13. On April 19, 2001, in response to DOE's letter, Respondent submitted documentation of having completed more than the required 40 hours of board-approved continuing education but the documentation did not include a total of 8 hours in the area of ethics.

14. On April 25, 2001, the Division of Enforcement (DOE) sent Respondent a letter notifying him of his non-compliance with the Board's continuing education requirements. The letter also requested Respondent to submit additional course content documentation regarding the *Series Sixteen Course – Psychotherapy, Ethics, Records & Computers* before the Board might count it toward fulfilling the continuing education requirement for 8 hours in the area of ethics.

15. As requested, Respondent submitted the course content documentation for the *Series Sixteen Course – Psychotherapy, Ethics, Records & Computers*. Respondent also submitted verification of attendance at an additional APA-approved program, *Risk Management One Course*, to document 5 hours in the area of ethics.

16. At a meeting on May 18, 2001, the members of the Board reviewed the documentation Respondent submitted and granted:

- o 5 hours of credit in the area of ethics for the *Risk Management One Course*.
- o 1 hour of credit in the area of ethics for the *Series Sixteen Course – Psychotherapy, Ethics, Records & Computers*.

17. On May 23, 2001, DOE notified Respondent that he must either submit additional documentation of having completed an additional 2 hours in the area of ethics or a plan outlining how he intended to comply with the Board's requirements.

18. As requested, Respondent submitted his plan to obtain the remaining 2 hours in the area of ethics by completing *Open Forum: New Ethics Code*, a 3-credit independent study program sponsored by APA. Respondent was informed that his plan was acceptable and Respondent was requested to submit documentation upon completion of this program.

19. As requested, Respondent submitted documentation of completing an additional 3 hours in the area of ethics, which were counted toward fulfilling the ethics requirement for the 1997-1999 biennium.

20. At the time Respondent applied to renew his license for the October 1, 1999 through September 30, 2001 biennium, Respondent had completed only 6 out of a total of 8 hours of board-approved continuing education in the area of ethics during the October 1, 1997 through September 30, 1999 biennium and, therefore, was in violation of § 5.01(28), Wis. Adm. Code, for having violated the continuing education requirements of § 455.065, Stats.

ALL COUNTS

21. Because of concerns which arose during the Wyoming application process, the Division of Enforcement requested that Respondent agree to a psychological examination by a psychologist approved by the Division. On December 7, 2001, Respondent was evaluated by Dr. Stephen F. Seaman, a psychologist who practices in Fort Atkinson, Wisconsin. Dr. Seaman's written psychological evaluation, dated December 7, 2001, has been reviewed by the Board and considered in determining the appropriateness of the order, below.

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 having had his application for a license to practice psychology in the state of Wyoming denied by the Wyoming Board of Psychology, has committed unprofessional conduct as defined by Wis. Adm. Code § Psy 5.01(32), and is subject to discipline pursuant to § 455.09(1)(g), Stats. (Count I)
4. Respondent, by only obtaining 6 of the required 8 contact hours of board-approved continuing education 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. (Count II)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of James A. Dickerson, Ph.D., as a psychologist in the state of Wisconsin is limited, effective immediately, as follows:

1. Within 30 days of the date of this Order, Respondent shall enter into and continue successful participation in all components of treatment with a psychiatrist approved by the Board, or its designee.

a. Respondent shall immediately provide the psychiatrist with copies of:

(i.) This Final Decision and Order.

(ii.) Dr. Seaman's evaluation of December 7, 2001.

(iii.) Dr. Steven L. Dubovsky's evaluation of October 27, 1998.

(iv.) Dr. Patrick H. Buchanan's letter of May 20, 2001.

b. The psychiatrist shall assess the need for medication and, as appropriate, prescribe medications and order laboratory tests to determine Respondent's medication levels, as part of treatment.

c. The psychiatrist shall also provide Respondent with psychotherapy as part of treatment. the psychotherapy may be performed by the psychiatrist or, at the direction of the psychiatrist, by another mental health care practitioner.

d. The schedule of treatment shall be determined by the treating professional(s).

e. Respondent shall cooperate with and follow all recommended treatment, which in addition to psychotherapy, may include taking medication and having laboratory tests to determine medication levels.

f. Treatment shall continue until such time as the treating professional(s) recommends that it be ended and the Board accepts that recommendation.

g. Respondent shall provide and keep on file with the treating professional(s) current releases which comply with state and federal laws authorizing release of all medical and treatment records and reports to the Board, and permitting the treating professional(s) to disclose and discuss the progress of Respondent's treatment and rehabilitation with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

2. Respondent's treating professional(s) shall each submit quarterly reports to the Board regarding Respondent's participation and progress in treatment. Submission of the reports by the treating professional(s) shall be Respondent's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.

3. Upon becoming aware that Respondent has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Respondent's treating professional(s) shall immediately submit written notification to the Board.

4. If Respondent has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Respondent shall immediately submit written notification to the Board.

5. All requests, notifications and reports 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

6. Respondent shall not threaten harm or engage in threatening behavior, directly or indirectly, to any client, professional colleague, co-employee or other person.

7. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a psychologist in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

8. Respondent, James A. Dickerson, Ph.D., is hereby REPRIMANDED for the conduct set out in Count II above.

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 22nd day of May, 2002.

Barbara A. Van Horne, M.B.A., Ph.D.

Chairperson

Psychology Examining Board