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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0207311PSY
WILLIAM J. KOMASSA, :
RESPONDENT. :

FINAL DECISION AND ORDER

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

William J. Komassa
2420 Thornapple Lane
Brookfield, WI 53005

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. William J. Komassa, Respondent, date of birth July 23, 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 47, which was first granted July 14, 1978.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2420 Thornapple Lane, Brookfield, WI 53005.

3. Each person licensed for the private practice of school psychology in the state of Wisconsin, who wishes to remain licensed, 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, 2001, the Wisconsin Department of Regulation and Licensing (Department) 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, 2001 through September 30, 2003 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 (10/1/99-9/30/01), and I have or will have evidence of this which I will furnish to the Psychology Examining Board upon request." (emphasis added)

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, 1999 through September 30, 2001 biennium.

8. In conducting a random audit on behalf of the Board, the Department sent a letter to Respondent requesting him to send the Board verification that he had completed the continuing education which he had claimed to have completed prior to renewing his license for the October 1, 2001 through September 30, 2003 biennium.

9. In response to this audit, Respondent submitted documentation of having completed four board-approved programs (totaling 11.75 hours, including no hours in ethics). Respondent also submitted documentation of having completed three additional continuing education programs (totaling 27 hours). Two of those programs were sponsored by the Suburban School Psychologists Association (SSPA) and the other was

sponsored by Riverside Publishing. SSPA and Riverside Publishing are not board-approved sponsors because of an administrative rule change which first took effect for the October 1, 1999 through September 30, 2001 biennium. Therefore, it was determined that Respondent could not be granted credit for these programs.

10. On March 28, 2002, the Division of Enforcement (DOE) discussed with Respondent the number of board-approved continuing education hours Respondent needed to comply with the Board's requirements for the 1999-2001 biennium.

11. On April 10, 2002, Respondent submitted to DOE a syllabus for "*Ed629 Mentoring and Coaching New Teachers*," a 3-credit graduate level course Respondent was completing at Cardinal Stritch University. The information was shared with the case advisor who determined that Respondent could not be granted credit for this course because its content was not relevant to the private practice of school psychology.

12. DOE notified Respondent that no credit could be granted for the course "*Ed629 Mentoring and Coaching New Teachers*" and discussed with Respondent his options for complying with the Board's continuing education requirements.

13. Respondent has not engaged in the private practice of school psychology after renewing his license for the current biennium. At this time, Respondent does not have any plans to engage in the private practice of school psychology in the immediate future. Therefore, for personal reasons, Respondent voluntarily surrenders his license for the private practice of school psychology in the state of Wisconsin.

14. Respondent did not complete 40 hours of board-approved continuing education, including 8 hours in ethics, during the October 1, 1999 through September 30, 2001 biennium, prior to renewing Respondent's license for the October 1, 2001 through September 30, 2003 biennium, and therefore failed to comply with the continuing education requirements.

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, 2001 through September 30, 2003 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 William J. Komassa, 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 28.25 hours of board-approved continuing education, including 8 hours in ethics, which shall be applied to the credit hours Respondent should have obtained during the October 1, 1999 through September 30, 2001 biennium.

b. Taken and completed an additional 40 hours of board-approved continuing education, including 6 hours in ethics, which shall be applied to the October 1, 2001 through September 30, 2003 biennium.

c. Taken and completed an additional 40 hours of board-approved continuing education, including 6 hours in ethics and any additional hours of continuing education required by the Board, 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. 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 31st day of July, 2002.

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

Chairperson

Psychology Examining Board