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PROCEEDINGS AGAINST :

KIP ZIRKEL, PH.D., :

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Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kip Zirkel, Ph.D., Respondent, date of birth November 18, 1944, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 781, which was first granted April 20, 1979.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1707 Main Street, LaCrosse, WI 54601.

3. At the time of the following events, Respondent practiced as a psychologist at Family and Children's Center (FCC) in LaCrosse, Wisconsin. FCC is an outpatient psychotherapy clinic certified by the State pursuant to §§ HFS 61.94 and 61.97, Wis. Adm. Code.

4. § HFS 61.97, Wis. Adm. Code, requires that the following records be made and kept by certified outpatient psychotherapy clinics:

"(11) An initial assessment must be performed by staff to establish a diagnosis on which a preliminary treatment plan is based which shall include but is not limited to:

(a) The patient's presenting problems with the onset and course of symptoms, past treatment response, and current manifestation of the presenting problems;

(b) Preliminary diagnosis;

(c) Personal and medical history.

(12) A treatment plan shall be developed with the patient upon completion of the diagnosis and evaluation.

(13) Progress notes shall be written in the patient's clinical record.

(a) The notes shall contain status and activity information about the patient that relates to the treatment plan.

(b) Progress notes are to be completed and signed by the therapist performing the therapy session.

(14) A discharge summary containing a synopsis of treatment given, progress and reasons for discharge shall be written in the patient's clinical record when services are terminated."

5. On February 4, 1999, Ms. A brought her two children, who were 4 and 6 years of age, to Respondent for an evaluation, which Respondent conducted. Respondent provided treatment to the children on February 19, 1999, March 5, 1999 and April 6, 1999.

6. Respondent's records of his treatment of Ms. A's children do not contain:

a. An initial assessment performed to establish a diagnosis.

b. A treatment plan.

- c. A discharge summary containing a synopsis of treatment given, progress and reasons for discharge.

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 failing to maintain the records required § HFS 61.97, Wis. Adm. Code, has violated a law the circumstances of which substantially relate to the circumstances of the professional practice of psychology, which constitutes unprofessional conduct as defined by § PSY 5.01(5), Wis. Adm. Code, and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent, Kip Zirkel, Ph.D., is REPRIMANDED for his conduct.

2. Respondent shall, within one hundred twenty (120) days of the date of this Order, take and complete a course or courses with an emphasis on treatment planning and documentation totaling a minimum of 6 contact hours, which course(s) shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

3. Respondent is prohibited from applying any of the 6 hours completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the October 1, 2001 through September 30, 2003 registration biennium.

4. If Respondent is unable to take or complete the course or courses required by paragraph 2 within 120 days because of illness or other circumstances acceptable to the Board or its designee, Respondent shall, within six months of the date of this Order, take and complete the required course or courses, which shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

5. Requests for approval of educational programs and notification of completion of educational programs 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. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice psychology 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.

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

Dated at Madison, Wisconsin this 17th day of December, 2002.

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

Chairperson

Psychology Examining Board