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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0304021PSY
STEVEN V. SCHNEIDER, PH.D., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Steven V. Schneider, Ph.D.
5912 Sugarbush La.
Greendale, WI 53129

Wisconsin Psychology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in this matter, subject to the approval of the 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. Steven V. Schneider, Ph.D., Respondent, date of birth April 29, 1952, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the State of Wisconsin pursuant to license number 1216, which was first granted March 14, 1986.

2. Respondent's last address reported to the Department of Regulation and Licensing is 5912 Sugarbush Lane, Greendale, WI 53129.

Disciplinary Order of October 9, 1999

3. On October 8, 1999, the Board concluded an investigation of Respondent (99 PSY 008) with the issuance of a Final Decision and Order (LS 9910081 PSY). The Final Decision and Order, included:

a. Findings and Conclusions that during 1998 and 1999, Respondent:

- i. Practiced psychology while he had an impairment related to drugs in violation of Wis. Adm. Code § PSY 5.01(11).
- ii. Stole controlled substances from his clients in violation of Wis. Adm. Code § PSY 5.01(5).
- iii. Unlawfully obtained possession of controlled substances in violation of Wis. Adm. Code § PSY 5.01(5).
- iv. Was grossly negligent in practice in violation of Wis. Adm. Code § PSY 5.01(2).

b. Suspension of Respondent's license for one year (the statutory maximum period of suspension). The suspension would be stayed for the year, three months at a time, based upon Respondent's compliance with the other terms of the Order.

c. Limitations on Respondent's license until at least February 28, 2004, beginning immediately following the year of stayed suspension. The limitations included:

- i. Respondent shall abstain from all personal use of controlled substances as defined in §961.01(4), Stats., except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Providers.
- ii. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any relapse or suspected violations of any of the terms and conditions of this Order, including any failures of the Supervising Health Care Provider, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. (Emphasis added)
- iii. IT IS FURTHER ORDERED, that, if the Board determines that there is probable cause to believe that Respondent has violated any term of this Final Decision and Order, the Board may order that the license of Respondent be summarily suspended pending investigation of the alleged violation without further notice or right to hearing to the Respondent.

Summary Suspension Order of December 6, 2001

4. In June and July 2001, Respondent used narcotic analgesics and psychostimulants without appropriate medical supervision in violation of the Board's Order.

5. By letter dated September 23, 2001 and postmarked October 2, 2001, Respondent advised the Department Monitor that he was not renewing his license upon its expiration on September 30, 2001.

6. Although Respondent did not renew his license when it expired on September 30, 2001, Respondent retained the right to renew his license at any time by paying the fee and fulfilling the continuing education requirements. [Wis. Adm. Code § PSY 4.03(1)]

7. On October 11, 2001, Lance P. Longo, M.D., Respondent's supervising health care provider, wrote to the Department Monitor and said: "This letter serves to notify the Psychology Examining Board that Steven Schneider has relapsed to use of narcotic analgesics and psychostimulants without appropriate medical supervision, and this is in violation of his Department of Regulation and Licensing monitoring agreement."

8. In violation of the Board's Order, Respondent has never notified the Department Monitor that he relapsed and violated the terms of the Final Decision and Order.

9. At its regular monthly meeting on November 16, 2001, the Board considered the September 23, 2001 letter from Respondent, the October 11, 2001 letter from Dr. Longo and the October 8, 1999 Final Decision and Order and voted to summarily suspend Respondent's license. The Order of Summary Suspension was signed by the Board's Chairperson on December 6, 2001.

Disciplinary Order of May 22, 2002

10. At the direction of the Board, DOE opened investigative file 01 PSY 036 based on the allegations that Respondent violated the October 8, 1999 Order of the Board.

11. On May 22, 2002, the Board concluded the investigation of Respondent with the issuance of a Final Decision and Order (LS 0112171 PSY). The Final Decision and Order:

- a. Reprimanded Respondent for violating the Board's Order of October 8, 1999.
- b. Immediately ended the summary suspension of Respondent's license.
- c. Limited Respondent's license until at least October 1, 2006. The limitations included:
 - i. Respondent shall supply on at least a twice-monthly basis, random monitored urine, blood, breath, or hair specimens as the Supervising Health Care Providers shall direct. The Supervising Health Care Provider (or designee) shall request the specimens from Respondent and these requests shall be random with respect to the hour of the day and the day of the week.
 - ii. All requested urine, blood or hair specimens shall be provided by Respondent within five (5) hours of the request for the specimen.
 - iii. Respondent shall abstain from all personal use of controlled substances as defined in § 961.01(4), Stats., except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Providers.

d. Provided, if the Board determines there is probable cause to believe Respondent has violated any term of the Final Decision and Order, the Board may order that the license of Respondent be summarily suspended pending investigation of the alleged violation without further notice or right to hearing to the Respondent.

Summary Suspension Order of March 13, 2003

12. Respondent enrolled in a drug testing program with FirstLab, 1364 Welsh Road, Suite C-2, North Wales, PA 19454. The monitoring service required Respondent to call a phone number daily to find out whether he was selected to provide a urine sample on that day and, if selected, to provide a urine sample at a designated collection site.

13. On March 12, 2003, the Board received and reviewed reports from FirstLab that show:

a. Respondent violated the terms of his monitoring agreement by not calling the system on the following dates: January 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19 and 23, 2003.

b. Respondent violated the terms of his monitoring agreement by not providing a urine specimen on the following dates he was selected for testing: January 15, 27; February 19, 21, and 27; and March 5.

c. The urine screen Respondent provided on January 31, 2003 tested positive for codeine and morphine.

14. At its regular monthly meeting on March 12, 2003, the Board determined the reports from FirstLab established probable cause to believe that Respondent had violated terms of the May 22, 2002 Order and voted to summarily suspend Respondent's license. The Order of Summary Suspension was signed by the Board's Chairperson on March 13, 2003.

COUNT I

15. The limitations placed on Respondent's license by the Board's Order of May 22, 2002, include:

"Respondent shall supply on at least a twice-monthly basis, random monitored urine, blood, breath, or hair specimens as the Supervising Health Care Providers shall direct. The Supervising Health Care Provider (or designee) shall request the specimens from Respondent and these requests shall be random with respect to the hour of the day and the day of the week. In addition, the Board or its designee may at any time request a random monitored urine, blood, breath, or hair specimen from Respondent by directing the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement to contact Respondent and request Respondent provide a specimen. To prevent the Respondent's ability to predict that no further screens will be required for a given period (because the minimum frequency for that period has been met), the program of monitoring shall require Respondent to provide in each quarter at least two (2) random screenings in excess of the minimums specified in this Order." (page 5, number 9)

"All requested urine, blood or hair specimens shall be provided by Respondent within five (5) hours of the request for the specimen." (page 5, number 11)

16. As part of the required random monitoring, Respondent enrolled in a drug testing program with FirstLab, 1364 Welsh Road, Suite C-2, North Wales, PA 19454. The monitoring service required Respondent to call a phone number daily to find out whether he was selected to provide a urine sample on that day and, if selected, to provide a urine sample at a designated collection site within the required time.

17. Respondent failed to call into the monitoring program to determine if he was to be randomly tested on January 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19 and 23; and March 17, 2003.

18. Respondent was selected to submit urines for testing and failed to submit urines for testing on January 15 and 27; February 18, 21 and 27; and March 5 and 17, 2003.

COUNT II

19. One of the limitations placed on Respondent's license by the Board's Order of May 22, 2002, is:

"Respondent shall abstain from all personal use of controlled substances as defined in § 961.01(4), Stats., except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Providers." (page 4, number 4)

20. The urine screen Respondent provided on January 31, 2003 tested positive for codeine and morphine. The confirming test indicated 573 ng/ml of codeine and 753 nm/ml of morphine. The confirmation cut off for both codeine and morphine is 300 ng/ml. Codeine and morphine are each controlled substances as defined in § 961.01(4), Stats.

21. The urine screen Respondent provided on March 10, 2003 tested positive for codeine. The confirming test indicated 306 ng/ml of codeine. The confirmation cut off for codeine is 300 ng/ml. Codeine is a controlled substance as defined in § 961.01(4), Stats.

22. Lance Longo, M.D. is Respondent's Supervising Health Care Provider. Dr. Longo did not approve Respondent's use of any medication containing codeine or morphine during the months of January, February or March 2003. Respondent did not seek Dr. Longo's approval to use any medication containing codeine or morphine during the months of January, February or March 2003.

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 violating a valid order of the Board, as set out above, has committed unprofessional conduct and is subject to discipline pursuant to § 455.09(1), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by Steven V. Schneider, Ph.D., of his

license to practice psychology in the state of Wisconsin is hereby ACCEPTED, effective immediately.

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 11th day of June, 2003.

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

Chairperson

Psychology Examining Board