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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
APPLICATION FOR A LICENSE TO	:	
PRACTICE AS A PSYCHOLOGIST OF	:	FINAL DECISION
	:	AND ORDER
DONNA KIMMEL,	:	LS0301071PSY
APPLICANT	:	

The State of Wisconsin, Psychology Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Psychology Examining Board.

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

Dated this 21st day of January, 2004.

Mariellen Fischer, Ph.D.
Chairperson
Psychology Examining Board

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE AS A	:	
PSYCHOLOGIST OF	:	
	:	LS0301071PSY
DONNA KIMMEL, Ph.D.,	:	
APPLICANT	:	

The parties to this action are:

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620 N. Mayfair Road
Milwaukee, WI 53226-4253

Psychology Examining Board
P.O. Box 8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on July 16, 2003. The Division of Enforcement appeared by attorney John R. Zwiig. Attorney Mark S. Stern appeared on behalf of Donna Kimmel. Following the hearing, the parties requested that the Psychology Examining Board (Board) consider whether Dr. Kimmel was eligible to receive her license under the comity provision. At its September 10, 2003 meeting, the Board determined that Dr. Kimmel was ineligible to receive her license under that provision. The parties were then given until October 17, 2003, to file written, closing arguments.

Based on the entire record in this case, the undersigned administrative law judge recommends that the Psychology Board adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Dr. Kimmel obtained her doctoral degree in psychology from the Union Institute located in Cincinnati, Ohio. The Union Institute does not have a full-time, one-year residency program in psychology at its Cincinnati campus.
2. On July 10, 2002, the Psychology Examining Board (Board) issued a Notice of Denial to Donna Kimmel denying her a license to practice as a psychologist.
3. The Psychology Examining Board issued its Notice of Denial to Dr. Kimmel because she had not completed one academic year full-time residency during her graduate studies in psychology.

CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction in this matter pursuant to §455.09, Wis. Stats.
2. By failing to meet the requirements as set forth in §445.04 (1) (c), Wis. Stats., and § Psy 2.09 (i), Wis. Admin. Code, Donna Kimmel is ineligible to receive a license to practice as a psychologist.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Donna Kimmel's application for a license to practice psychology is **DENIED**.

OPINION

The statutory requirements which must be met in order to receive a license to practice as a psychologist are found in §445.04, Wis. Stats. Section 445.04 provides that following:

- (1) The department shall issue a psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) or, if sub. (3) applies, the fee specified in s. 440.05 (2), and is found by the examining board to meet all of the following requirements:
 - (a) Be at least 18 years of age.
 - (b) Subject to ss. 111.321, 111.322, and 111.335, not have an arrest or conviction record.

- (c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have had at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to satisfying par. (c). However, the examining board may not adopt rules requiring an internship.
- (e) Pass the examination under s. 455.045 (1) (a). This paragraph does not apply to an applicant who is licensed as a psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).
- (f) Pass the examination under s. 455.045 (1) (b).

There is no dispute that Dr. Kimmel has complied with the requirements of §445.04 (1) (a), (b), (d), and (e), Wis. Stats. At issue is whether she has met the requirements found in §445.04 (1) (c), Wis. Stats. Dr. Kimmel holds a doctoral degree from The Union Institute, which is an accredited institution. Her doctoral degree is in philosophy, with psychology as the “area of specialization.” Therefore, it must be determined whether her doctorate of philosophy is equivalent to a doctoral degree in psychology.

According to §445.01 (2), Wis. Stats., a doctoral degree in psychology means “a doctoral degree in a study which involves the application of principles of the practice of psychology. A doctoral degree granted as the result of study involving one or more of the areas of psychological practice recognized by the American psychological association or in any other field recognized by the examining board shall be considered a doctoral degree in psychology.”

The Union Institute’s doctoral program has not been approved by the American Psychological Association’s Committee on Accreditation and thus fails to meet the first prong of §445.01 (2), Wis. Stats. Consequently, Dr. Kimmel must demonstrate that her degree is one that is recognized by the Board. The Board has set forth criteria in section Psy 2.09, Wis. Admin. Code, that delineates the requirements that are necessary for obtaining a doctoral degree in psychology. They are as follows:

- (1) **EDUCATIONAL REQUIREMENTS.** An applicant for a license under this section shall possess a doctoral degree in psychology. A doctoral degree in psychology is either a degree granted by an accredited college or university as defined in s. 455.04 (1) (c), Stats., that is represented by an official transcript of credits as being a “doctoral degree in psychology,” a doctoral degree with a major in psychology from a department of psychology, or a program which is designated by the board to be equivalent to a doctorate in psychology by meeting in the following requirements:
 - (a) Training in professional psychology consisting of doctoral training offered in a regionally accredited institution of higher education.
 - (b) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalog and brochures its intent to educate and train professional psychologists.

Note: Prior to October 1, 1999, supervisors were required to be licensed or license eligible. The requirement that the primary supervisor be a licensed psychologist applies to supervised experience commenced after October 1, 1999.

- (c) The psychology program must stand as a recognizable, coherent organizational entity within the institution.
- (d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.
- (e) The program must be an integrated, organized sequence of study.
- (f) There must be an identifiable psychology faculty on site and a psychologist responsible for the program.
- (g) The program must have an identifiable body of students who are matriculated in that program for a degree.
- (h) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.
- (i) The curriculum shall encompass a minimum of 3 academic years of full-time graduate study, at least one of which shall be in full-time residence. In addition to the instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of 3 or more graduate semester hours (5 or more graduate quarter hours) in each of these 4 substantive content areas: a) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology; b) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion; c) Social bases of behavior: social psychology, group processes, organizational and systems theory; and d) Individual differences: personality theory, human development, abnormal psychology. In addition, all professional education programs in psychology will include course requirements in specialty areas [emphasis added].

The parties agree that Dr. Kimmel's doctoral degree meets the requirements of §§ Psy 2.09 (a)-(g), Wis. Admin. Code. What remains in dispute, however, is whether Dr. Kimmel meets the criteria in § 2.09 (i). More specifically, whether she has had at least one academic year of full-time graduate study in full-time residence.

Section RL 1.08 (4), Wis. Admin. Code, [\[1\]](#) places the burden of proof on the applicant to show that she meets the eligibility requirements for licensure. Dr. Kimmel maintains that she has successfully met the criteria in §455.04, Wis. Stats., by having obtained her degree in the area of psychology, even though her doctorate is in philosophy and not psychology. There is no doubt that Dr. Kimmel does not hold a doctorate in psychology. Her degree is a doctorate of philosophy, albeit with a specialization in psychology. Because The Union Institute's doctoral program has not been approved by the American Psychological Association's Committee on Accreditation and because Dr. Kimmel has not met the initial criteria found in §445.01 (2), Wis. Stats, she must therefore establish that her degree is one recognized by the Board.

As was previously noted, section Psy 2.09, Wis. Admin. Code, outlines the necessary elements that must be met before the Board determines that a degree is equivalent to a doctorate in psychology. At issue is whether Dr. Kimmel met the one-year of full time residency requirement. The Board maintains that its meaning of a "one-year, full-time residency" requirement is plain. It means that a student is required to be in one location, full-time for a period of one year. The academic institution that Dr. Kimmel attended, The Union Institute, is one "without walls" meaning that students may obtain significant portions of their education at places other than at a central campus location. Dr. Kimmel did not obtain her residency requirement at The Union Institute which is located in Cincinnati, Ohio. Rather, she was in a program in the Washington, D.C./Baltimore area where she interacted with a variety of professionals and fellow students. The Union Institute has no campus at that site. Accordingly, it is the Board's position that such an arrangement does not meet the requirement of a full-time residency as the following testimony indicates:

Q: (by the Administrative Law Judge to Mr. Zwieg): But this isn't an issue of accreditation?

A: It is not an issue of accreditation. It is regionally accredited. There were some schools that have been APA approved. The Wisconsin Board has decided that if someone can meet all those APA standards, they'll take their degree. They have also decided that if you are regionally accredited and the degree is called a degree in psychology, they'll take that. But if you are not in one of these categories, the Board has put out a little cookbook of what you have to get.

Donna Kimmel has everything requested except she doesn't have half a cup of salt or whatever it is. She doesn't have the one year of residency required in the three years in the doctoral program.

Q: And the Board's –

A: It's in a continuous year, a calendar year, a 12-month period, calendar year would be January to December. It's my understanding it's got to be within a 12-month period, continuous educational residence.

Q: And the residency refers to a physical residence?

A: Yes, not just enrolled in a program.

Q: And it cannot be off site, quote/unquote, unless there's some sort of formal affiliation?

A: That's my understanding.

Although Dr. Kimmel participated in a meaningful graduate studies program in psychology, it nevertheless failed to meet the Board's criteria in that it did not have a full-time, one year residency component at a central campus location or at an affiliate site. Moreover, according to the Board's expert witness, D. Asher Pacht, one-year residency programs are the norm in graduate psychology programs across the nation. Such programs ensure that important social and academic interactions occur between students and faculty. The Board believes that such interactions are a critical aspect to becoming a licensed psychologist. Thus, because Dr. Kimmel was never enrolled in a residency program that met the Board's requirements, she is therefore ineligible to become a licensed psychologist in the State of Wisconsin.

Dated this 9th day of December, 2003, at Madison, Wisconsin.

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DEPARTMENT OF REGULATION AND LICENSING
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Jacquelynn B. Rothstein
Administrative Law Judge

[\[1\]](#) Section RL 1.08 (4), Wis. Admin. Code provides that “[t]he applicant has the burden of proof to show by evidence satisfactory to the credentialing authority that the applicant meets the eligibility requirements set by law for the credential.”