

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0405052PSY
CHARLENE J. KAVANAGH, PH.D.,	:	
RESPONDENT.	:	

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FINAL DECISION AND ORDER

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

Charlene J. Kavanagh, Ph.D.  
206 Ozark Trail  
Madison, WI 53705

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. Charlene J. Kavanagh, Ph.D., Respondent, date of birth December 22, 1946, is licensed by the Wisconsin Psychology Examining Board to practice psychology in the state of Wisconsin pursuant to license number 1252, which was first granted October 10, 1986.

2. Respondent's last address reported to the Department of Regulation and Licensing is 206 Ozark Trail, Madison, WI 53705.

3. During 1999, Respondent was a member of the National Directory of Psychologists (NDP), an internet directory which provided information by which consumers could contact psychologists located throughout the country. Through NDP and e-mail, Respondent provided brief counseling services, consultation and information related to her areas of expertise.

4. Once in April and again in September 1999, Ms. B, who resided in North Carolina, sought advice from Respondent via e-mail through NDP. Respondent asked Ms. B to send \$120 to Respondent for the professional services, "if Ms. B found the advice helpful." Ms. B never paid Respondent any amount.

5. In Ms. B's initial e-mail in April, Ms. B told Respondent that Ms. B had fallen in love with her current therapist and was struggling with the issue. Respondent sent a reply to Ms. B which explained the concept of "transference" and referred Ms. B back to her therapist to discuss the issue of transference with him.

6. In her second e-mail message to Respondent, Ms. B told Respondent, in part :

She “ran through a transference stage” with Dr. C, her therapist, and told him she had fallen in love with him. Dr. C told her to get another therapist and she was now in therapy with a female therapist. She had thought of suicide after Dr. C told her to leave, but the new therapist was helping her cope and survive. She was in group therapy for co-dependency. She didn’t want this to happen to anyone else and wanted to know what she could pursue to keep Dr. C from doing this to someone else.

7. Respondent did not know that:

a. From July 7, 1997 to March 16, 1999, Ms. B had seen Dr. C, a North Carolina licensed psychologist, for psychotherapy. Dr. C treated Ms. B for depression, anxiety, adjustment reaction and multiple marital and family problems, utilizing individual, marital and family sessions. Dr. C diagnosed Ms. B with: Depression (DSM-IV, 300.4), Adjustment Reaction with Mixed Emotional Features (DSM-IV, 309.28) and Dependent Personality Disorder (DSM-IV, 301.6).

b. During the course of treatment with Dr. C, Ms. B developed a Delusional Disorder, Erotomantic Subtype (DSM-IV, 297.1), with Dr. C as the focus. The disorder manifested itself in a powerful erotic transference toward Dr. C, characterized by delusions that Dr. C shared Ms. B’s romantic feelings and by repeated, obsessive efforts to inappropriately contact Dr. C.

c. Ms. B repeatedly misused Dr. C’s office e-mail and voice mail and frequently made emergency telephone calls to his home. Ms. B also engaged in “stalking” behavior by trespassing in Dr. C’s office and driving by his home.

d. Dr. C unsuccessfully attempted to therapeutically address Ms. B’s erotic transference to him and her persistent violation of professional boundaries. Dr. C concluded that it was necessary to transfer Ms. B to another therapist. Dr. C assisted Ms. B in choosing another therapist and had an appointment with the new therapist prior to Ms. B’s transfer. Ms. B was given three sessions with Dr. C, in which to discuss her emotions related to transfer and come to closure. One of these sessions overlapped with a session with Ms. B’s new therapist.

e. Following her March 17, 1999 discharge by Dr. C, Ms. B’s stalking behaviors continued and escalated.

8. On September 16, 1999, Respondent sent an e-mail reply to Ms. B. Although Ms. B’s new therapist in North Carolina was in the best position to assess Ms. B and suggest possible options for Ms. B to consider pursuing, Respondent did not suggest that Ms. B talk to her new therapist about this. Instead, based only on the information provided by Ms. B, Respondent provided options for Ms. B. Respondent said:

It is difficult to cope with “what probably feels like betrayal by someone you loved and trusted.”

She had a similar thing happen to her years earlier with an analyst she had come to love and trust over 10 years and that she coped with it by telling herself the analyst was dead.

“Your therapist not only betrayed you, he betrayed the profession. His responses to you were indefensible from a therapeutic and ethical standpoint.”

It was a good idea to see another therapist to deal with her feelings about what happened.

“As far as protecting others goes: you can writ (sic) a letter to whatever Licensing Board your former therapist is responsible to. . . A personal injury lawsuit, given the pain and suffering inflicted by your therapist and his failure to follow standard protocol in terminating you (assuming he can’t justify it), namely, refer you to someone else and not ABANDON you until he facilitated the transfer, would not be an unreasonable step. I would consult an attorney who specializes in psychological or medical injury. . .”

9. Approximately one month after receiving Respondent’s e-mail response, Ms. B filed one of many ethical complaints against Dr. C with the North Carolina Board of Psychology. All complaints were closed by that Board, without taking any action against Dr. C or his license.

10. Because of Ms. B's ongoing harassment and stalking of Dr. C and his family, of which Respondent was unaware Ms. B was involuntarily committed on two occasions.

### 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 engaging in the conduct set out above, has performed professional services via e-mail which in this case has been determined to be inconsistent with training, education and experience, which constitutes a violation of Wis. Adm. Code § PSY 5.01(4), and subjects Respondent to discipline pursuant to § 455.09(g), Stats.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Charlene J. Kavanagh, Ph.D., is hereby REPRIMANDED for the conduct set out above.
2. Respondent shall not offer or provide internet or e-mail psychotherapy or counseling to clients until such time as Respondent has provided proof, which the Board has found sufficient, that Respondent can and will provide such psychotherapy and counseling in a competent manner consistent with safe practice for clients and the public.
3. All proof or requests 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  
Telephone: (608) 267-3817  
Fax: (608) 266-2264

4. If Respondent believes that the Board's refusal to end or modify any limitation imposed above or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.
5. 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.

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 5<sup>th</sup> day of May, 2004.

Mariellen Fischer, Ph.D.

