

# 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	:	
	:	FINAL DECISION AND ORDER
MARGARET R. SWAILES,	:	LS0607193PSY
RESPONDENT.	:	

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[Division of Enforcement Case #'s 03 PSY 003 and 03 PSY 012]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Margaret R. Swailes  
5510 Caddis Bend, Apartment 201  
Fitchburg, WI 53711

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Psychology Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. Margaret R. Swailes, Respondent, date of birth July 25, 1955, was licensed by the Wisconsin Psychology Examining Board for the private practice of school psychology in the state of Wisconsin pursuant to license number 332, which was first granted June 23, 2000.

2. Respondent has not renewed her license for the private practice of school psychology, following its lapse on September 30, 2005. Respondent has never been licensed to practice as a psychologist in the state of Wisconsin, pursuant to Wis. Stat. § 455.04(1).

3. Respondent's last address reported to the Department of Regulation and Licensing is 5510 Caddis Bend Apartment 201, Fitchburg, WI 53711.

4. From November 2002 to August 2003, Respondent worked at Capitol Associates, LLC, a comprehensive mental health clinic, in Madison, Wisconsin. At that time, Respondent had a masters degree in school psychology received in 1994 from the University of Wisconsin-Whitewater.

5. Capitol Associates was an outpatient psychotherapy clinic certified under Wis. Adm. Code § HFS 61.95. However, Respondent did not meet the requirements of Wis. Adm. Code § HFS 61.96(2), which would have allowed her to practice as a mental health professional in that clinic. Her application for that status was denied in March 2001.

6. At the time Respondent joined Capitol Associates, a flyer was sent out introducing Respondent to the professional community in the Madison area. The flyer included the following information about Respondent:

*Peggy Swailes, MSE, NCSP*  
*Child and Adolescent Psychology*

“Along with play therapy, cognitive behavioral therapy and behavior modification, Peggy uses biofeedback and neurofeedback to help her young clients develop skills to cope with Attention Deficit Disorder, affective disorders, behavior and learning problems. . . ”

7. In early 2003, two additional flyers were circulated to advertise group sessions Respondent was holding at Capitol Associates for children aged 5 to 8 who had been diagnosed with Attention Deficit Hyperactivity Disorder, Oppositional Defiant Disorder or who were just “difficult-to-parent.” The flyers were for “Buddy Builders – Social Skills for 5-8 year olds” and “Temper Tamers – Anger Management for 5-8 year olds” and included the following information:

Please call for information or to reserve a space:

Peggy Swailes, MSE, NCSP  
Child and Adolescent Psychology  
Capitol Associates

8. Respondent used professional cards in her practice which said “Child and Adolescent Psychology” and which did not include information that Respondent was licensed for the private practice of school psychology.

9. Wis. Stat. § 455.02(3m), provides that “Only an individual licensed under s. 455.04(1) may use the title ‘psychologist’ or any similar title or state or imply that he or she is licensed to practice psychology.”

10. Through the use of the above flyers and business cards, Respondent used a title which could have caused the public to believe she was a psychologist and that she was licensed to practice psychology.

## CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 455.09 and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. By identifying herself as a practitioner of “Child and Adolescent Psychology,” Respondent has engaged in misleading advertising, which is unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01(1), and is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Margaret R. Swailes, Respondent, is hereby REPRIMANDED for the above conduct.
2. Respondent’s license for the private practice of school psychology shall not be renewed and Respondent shall not be granted any other credential by the Board, except under the following conditions:
  - a. Respondent shall meet all requirements which are then required by statute and administrative rule for that credential.
  - b. Respondent shall have paid the costs of this proceeding in the amount of \$1321.00 to the Department of Regulation and Licensing, pursuant to Wis. Stat. § 441.22(2).
  - c. Respondent shall appear before the Board and provide proof which the Board finds sufficient that:
    - 1) Respondent is aware of the limits of practice under the license she seeks to be renewed or other credential she seeks to be granted by the Board.
    - 2) Respondent is aware of how she may represent herself to the public and other practitioners while practicing under the license she seeks to be renewed or other credential she seeks to be granted by the Board.
  - d. It shall be in the sole discretion of the Board whether to renew Respondent’s license or grant any other credential, with or without limitations.
  - e. If Respondent believes that the Board’s denial of renewal or credential is inappropriate or that any limitation imposed by the Board on the renewed license or other credential is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board’s decision is arbitrary or capricious. The denial of renewal or credential or limitations on Respondent's license or other credential shall remain in effect until there is a final decision in Respondent's favor on the issue.
3. All requests, notices and payments 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. This Order is effective on the date of its signing.

Psychology Examining Board

By: Don Crowder  
A Member of the Board

07-19-2006  
Date

