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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0610262PSY
TERRANCE G. HICKMAN, ED.D., :
RESPONDENT. :

ORDER OF SUMMARY SUSPENSION

[Division of Enforcement Case #'s 06 PSY 001 & 06 PSY 040]

The Petition for Summary Suspension of October 17, 2006 was noticed to be presented at 9:00 a.m. on October 18, 2006. At the time and place noticed, attorney John R. Zwieg appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. No one appeared on behalf of Respondent.

The Wisconsin Psychology Examining Board, having considered the sworn Petition for Summary Suspension, the October 17, 2006 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Sharon Henes, and the October 18, 2006 Affidavit in Support of Petition for Summary Suspension of Michelle Schram and, having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Terrance G. Hickman, Ed.D., Respondent, date of birth March 22, 1945, is licensed and by the Psychology Examining Board as a psychologist in the State of Wisconsin, pursuant to license number 688, which was first granted April 14, 1978.
2. Respondent's last address reported to the Department of Regulation and Licensing is 8045 Crab Lake Road, Presque Isle, WI 54557.

Bases for Finding of Notice

3. On October 17, 2006, Paralegal Sharon Henes placed copies of the Notice of Presentation and Petition for Summary Suspension in the mail addressed to Terrance G. Hickman, Ed.D at 8045 Crab Lake Road, Presque Isle, WI 54557, his last known address on file with the Department of Regulation and Licensing. Ms. Henes mailed these documents by both regular mail and certified mail.
4. On October 17, 2006, Ms. Henes also placed copies of the Notice of Presentation and Petition for Summary Suspension in the mail addressed to Terrance G. Hickman, Ed.D at Respondent's office address of 502 Cooper Street, Suite #1, Hurley, WI 54534.
5. On October 17, 2006, Ms. Henes also faxed copies of the Notice of Presentation and Petition for Summary Suspension to (715) 561-5600, Respondent's office fax number.
6. On October 17, 2006, Investigator Michelle Schram had a telephone conversation with Respondent in which she told him a Petition for Summary Suspension of his psychology license was being presented to the Board on October 18, 2006 at 9:00 a.m. at the Department's offices in Madison. Mr. Schram also told Respondent that copies of the Notice of Presentation and Petition for Summary Suspension were being faxed to his office fax number that day.
7. Notice has been given under § RL 6.05. Wis. Adm. Code.

Bases for Summary Suspension

8. According to the criminal complaint filed in Ashland County Wisconsin Circuit Court case number 2004CM000287:
 - a. On November 5, 2004, Respondent, who was intoxicated, nearly struck a building as he drove up to a gas station/convenience store in Mellen, Wisconsin.

- b. Respondent walked into the store. When a police officer who happened to be at the store asked Respondent to step outside, Respondent shoved the officer in the chest with both of his hands.
- c. The officer took Respondent by the arm and Respondent became more aggressive with the officer. The officer pinned Respondent against the wall with Respondent's arm behind his back in order to get control of him.
- d. The officer smelled a strong odor of intoxicants coming from Respondent and noted that Respondent had slurred speech and had defecated in his pants. The officer took Respondent outside and because Respondent was refusing to comply with the officer's demands, had to forcibly place Respondent in handcuffs.
- e. Respondent was arrested for Resisting an Officer, Disorderly Conduct and Operating While Under the Influence (OWI).
- f. Respondent was charged with:
 - 1) One count of violating Wis. Stat. § 946.41(1) – [Resisting or Obstructing an Officer], a class A misdemeanor.
 - 2) One count of violating Wis. Stat. § 947.01 – [Disorderly Conduct], a class B misdemeanor.

9. Respondent's blood alcohol level on that date was .222 and Respondent was also charged with an ordinance violation for Operating While Under the Influence in Ashland County Wisconsin Circuit Court case number 2004TR002189.

10. On April 8, 2005, pursuant to a plea agreement:

- a. Respondent pled no contest and was convicted of the ordinance OWI charge. An alcohol assessment was ordered, Respondent was required to pay forfeiture and his driver's license was revoked for six months.
- b. A deferred prosecution was entered on the criminal charge of Resisting or Obstructing an Officer, with conditions that for a period of one year Respondent engage in no criminal activity and maintain absolute sobriety while driving. [The deferred prosecution agreement was revoked and Respondent was convicted of Resisting or Obstructing an Officer because Respondent violated the conditions of the agreement by driving while intoxicated on November 6, 1995.]
- c. The criminal charge of Disorderly Conduct was amended to a city ordinance violation and Respondent was ordered to pay forfeiture and make a \$500 contribution to Ashland County Juvenile Drug Court.

11. On March 23, 2005, Ms. A, a 14 year old girl, was scheduled to see Respondent for psychotherapy at his office in Hurley, Wisconsin. At 5:00 p.m., Ms. A's mother dropped Ms. A off at Respondent's office and then left to run an errand.

12. Respondent was intoxicated when Ms. A arrived and it was obvious to Ms. A. During the session, Respondent told Ms. A she had big boobs and nice thighs. He asked her if she had been sexually abused and by whom. Ms. A told Respondent who had sexually abused her and Respondent told her to stand up, hugged her and said "I'm so sorry." Ms. A was frightened by Respondent.

13. Ms. A's mother returned at 5:25 p.m. and knocked on the locked outer door to the waiting area of Respondent's office area. When no one responded, she looked through the window and saw that the door to Respondent's individual office was closed. After her mother knocked a third time, Ms. A and Respondent came out of the inner office and Ms. A opened the outer door and mouthed to her mother "he's drunk."

14. Ms. A told her mother they had to leave. But Respondent asked Ms. A's mother to come into his office and shut the door. When the mother entered the office, she smelled alcohol. She also observed that his speech was slurred and his eyes were bloodshot. Respondent said, referring to Ms. A, "Oh, I love that girl so much. She's so well built. . ." Respondent was hiccupping and apologizing for having the hiccups. He then said "you know, she really is beautiful." This made Ms. A's mother uncomfortable.

15. Respondent called Ms. A's mother the following day and tried to explain his conduct by noting that he had a blood sugar problem. [Medical records do not support that statement.] Ms. A's mother told him that what happened with her daughter was inappropriate and that Ms. A would not return to him for treatment. Respondent requested that she not report his conduct to anyone.

16. Respondent's conduct on March 23, 2005 was gross negligence in the practice of psychology in violation of Wis. Adm. Code § PSY 5.01(2) and Practicing while impaired in violation of Wis. Adm. Code § PSY 5.01(11).

17. According to the criminal complaint filed in Vilas County Wisconsin Circuit Court case number 2005CT000148:

- a. On November 6, 2005 at 3:13 p.m., Respondent was involved in a one car rollover accident and was able to get out of the vehicle with help from some witnesses.
- b. Respondent told the witnesses that he did not want the police called because he did not want another OWI.
- c. Respondent left the scene and walked into a cemetery and nearby woods. Ultimately he walked to a nearby restaurant/bar.
- d. After police officers searched for Respondent in the woods for more than an hour, they were advised that he had just entered the restaurant/bar up the road. The police went to the restaurant and asked Respondent to walk outside to an ambulance so that he could be examined by paramedics. While talking to Respondent the officers could smell a strong odor of intoxicants and noted that his eyes were bloodshot and glassy. Respondent was off balance while walking.
- e. First, Respondent told the officers that he had a few drinks while at the restaurant, which was not true. When he was told the bartender said he had no drinks there, Respondent then said he had been drinking in the woods after the accident, which was not true.
- f. Respondent was placed under arrest. Respondent was charged with violating:
 - 1) Wis. Stat. § 346.63(1)(a) – [Operating While under Influence (3rd offense)], a misdemeanor.
 - 2) Wis. Stat. § 346.63(1)(b) – [Operating with PAC .08 or More (3rd offense)], a misdemeanor.
 - 3) Wis. Stat. § 946.41(1) – [Resisting or Obstructing an Officer], a class A misdemeanor.

18. Three hours after the accident, Respondent's blood alcohol level was tested and found to be .235.

19. On April 26, 2006, pursuant to a plea agreement:

- a. Respondent pled no contest and was convicted of one count of Operating While under Influence (3rd), a violation of Wis. Stat. § 346.63(1)(a), a misdemeanor. Respondent was ordered to 30 days in jail, with Huber privileges and his driver's license was revoked for 16 months.
- b. The count of Operating with PAC .08 or More (3rd), in violation of Wis. Stat. § 346.63(1)(b) and the count of Resisting or Obstructing an Officer, in violation of Wis. Stat. § 946.41(1) were dismissed.

20. Respondent made arrangements to be admitted to Ministry Behavioral Health Residential Treatment Center Unit for alcohol treatment. In anticipation of treatment he stopped using alcohol for two days. As a result, on December 10, 2005 Respondent requested alcohol detoxification at St. Michaels Hospital in Stevens Point. Respondent was admitted, diagnosed with active alcohol withdrawal and on December 12, 2005 was discharged to Ministry's Unit, where he was hospitalized until December 24, 2005. In the initial assessment of December 12:

- a. Respondent stated that his private practice of psychology was very stressful and he drank heavily to deal with the stress; that his drinking got out of control and he was drinking around the clock.
- b. Respondent was diagnosed alcohol dependent.

21. In early 2006, the Division of Enforcement (DOE) received information regarding the violations of law which occurred in November 2004 and November 2005 and based on that information opened investigation 06PSY001. Among other things, the following occurred in that investigation:

- a. On 02/07/06, investigator Schram wrote to Dr. Hickman and among other things asked if he was in treatment for alcohol issues.
- b. On 02/13/06, Dr. Hickman called Ms. Schram. He told her of the 14 day inpatient treatment at Ministry in December 2005. He said he was not in any treatment and that he does not have an alcohol problem. He said he just had a bad year. He agreed to sign releases for his treatment records.
- c. On 03/24/06, attorney Zwiig sent Dr. Hickman a letter and an Agreement Regarding Evaluation, asking that Dr. Hickman have a full psychological evaluation performed. Dr. Hickman suggested Dr. Marcus Desmonde as the evaluator and after reviewing Dr. Desmonde's education and experience he was approved. Attorney Zwiig sent a letter of 04/21/06 to Dr. Hickman with a new evaluation agreement and

- the letter said that Dr. Hickman should make the appointment with Dr. Desmonde for the evaluation.
- d. On 06/02/06, Dr. Hickman called Ms. Schram and asked if he could send the completed evaluation to her. Ms. Schram assumed he was referring to an evaluation report by Dr. Desmonde and replied that it should be sent to her. Dr. Hickman said he would do so.
 - e. On 06/19/06, not having received any report from Dr. Hickman, Ms. Schram left a voice mail message for Dr. Hickman and called Dr. Desmonde. Dr. Desmonde said that an evaluation date had been set, but Dr. Hickman called and cancelled it and never rescheduled.
 - f. On 06/20/06, Dr. Hickman returned Ms. Schram's call. He said he had forgotten to send the evaluation and would have his secretary fax it to her. When asked who had performed the evaluation, he said he could not remember. He said it was someone he had picked off the list DOE had sent him. He was reminded that DOE had not sent a list and that DOE had agreed to Dr. Desmonde, who he had first named. The evaluation Dr. Hickman sent to DOE was a Department of Transportation Driver Safety Plan Assessment and Safety Plan Report done by a CAODA counselor on 05/22/06. It was not a psychological evaluation. The Driver Safety Plan required outpatient treatment for relapse prevention.
 - g. Dr. Hickman made an appointment to be evaluated by Dr. Desmonde on 07/11/06. A 90 minute evaluation session took place that day and Dr. Desmonde told Dr. Hickman he wanted him to return to meet with an AODA counselor and to complete a MMPI-II on 07/26/06. Dr. Hickman did not want to take the MMPI-II, but reluctantly agreed to return.
 - h. When Dr. Hickman returned on 07/26/06, the AODA counselor noted he had alcohol on his breath and determined he had been drinking prior to the appointment. For that reason, the appointment was rescheduled.
 - i. The appointment was rescheduled to 08/23/06. On that day, Dr. Hickman called Ms. Schram and said that Dr. Desmonde had cancelled the appointment and it would be rescheduled within a couple of weeks. Ms. Schram called Dr. Desmonde, who said he had not cancelled the appointment. He said that Dr. Hickman had contacted him and wanted to change the appointment from the set time, but Dr. Desmonde had no other time available that day. So it had to be reset to another date, at Dr. Hickman's request.
 - j. The next appointment was set for 09/27/06. Dr. Hickman called Dr. Desmonde that morning and cancelled again. Dr. Desmonde then advised DOE that he could no longer set aside time for Dr. Hickman only to have the appointment cancelled at the last minute. He said he was no longer willing to complete the evaluation of Dr. Hickman.
 - k. On 10/05/06, Dr. Hickman called Ms. Schram to tell her Dr. Desmonde would not be completing the evaluation. Ms. Schram told him she knew that. Dr. Hickman also told her that he has no problem with alcohol at this time. He said he was continuing to see clients.
 - l. Dr. Hickman had been in outpatient AODA counseling as required by the 05/22/06 Driver Safety Plan, but was expelled from the counseling because he appeared at sessions with alcohol on his breath.

22. On October 17, 2006, Ms. Schram called and left a message for Respondent and his receptionist at his office telephone number. The Receptionist returned her call and confirmed that Respondent was continuing to see clients. Ms. Schram then talked with Respondent and during the call Respondent confirmed that he was not in any treatment for any alcohol issue and denied that he had any problem with alcohol. Respondent's voice during the call sounded as though he was intoxicated.

23. At approximately 3:30 p.m. on October 17, 2006, Ms. Schram received a rambling telephone message from Respondent in which Respondent giggled and sounded intoxicated.

CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 445.09 and has authority to summarily suspend Respondent's license as a psychologist in the State of Wisconsin, pursuant to Wis. Stats. §§ 227.53(3) and Wis. Adm. Code § RL 6.

2. Notice has been given under § RL 6.05. Wis. Adm. Code.

3. There is probable cause to believe that Respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license to practice psychology.

ORDER

IT IS ORDERED that the license of Terrance G. Hickman, Ed.D, to practice psychology in the state of Wisconsin is summarily suspended, effective immediately upon Respondent receiving actual notice of this summary order or upon service of this summary suspension order upon Respondent under § RL 6.06(3), Wis. Adm. Code, whichever is sooner.

IT IS FURTHER ORDERED that this Order continues to be in effect until the effective date of a final order and decision in the pending disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Psychology Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Dated at Madison, Wisconsin this 18th day of October, 2006.

Donald Crowder
Member, Psychology Examining Board