

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
TERRANCE G. HICKMAN, Ed.D.,	:	LS 0610262 PSY
RESPONDENT.	:	

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

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

Terrance G. Hickman, Ed.D.
8045 Crab Lake Road
Presque Isle, WI 54557

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

An Order of Summary Suspension was issued in these matters on October 19, 2006. A Notice of Hearing and Complaint were filed and served on October 26, 2006. 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. Terrance G. Hickman, Ed.D., Respondent, date of birth March 22, 1945, is licensed by the Wisconsin 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. Respondent has a solo practice as a psychologist at North Hills Psychological & Assoc LLC, 300 Cooper Street, Hurley, WI.

3. Respondent has been diagnosed as alcohol dependent. Respondent provided professional services to a 14 year old client on March 23, 2005, while Respondent was impaired by alcohol. Through October 17, 2006, Respondent continued to provide professional services to clients and continued to consume alcohol, but had discontinued treatment for his alcohol dependency.

Violation of Law on November 5, 2004 - Evidence of Impairment

4. 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.

5. Respondent's blood alcohol level 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.

6. 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.

Impairment During the Practice of Psychology on March 23, 2005

7. 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.

8. 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.

9. 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."

10. 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.

11. 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.

Violation of Law on November 6, 2005 - as Evidence of Impairment

12. 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.
13. Three hours after the accident, Respondent's blood alcohol level was tested and found to be .235.
14. 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.

December 2005 Assessment of Respondent as Alcohol Dependent.

15. 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.

CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).
2. 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 of psychology while impaired in violation of Wis. Adm. Code § PSY 5.01(11).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Terrance G. Hickman, Ed.D., of his license to practice psychology in the state of Wisconsin is hereby ACCEPTED.

2. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$2,550.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed 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
Fax (608) 266-2264
Telephone (608) 267-3817

4. This Order is effective on the date of its signing.

Wisconsin Psychology Examining Board

By: Don L. Crowder
A Member of the Board

12/06/06
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	
TERRANCE G. HICKMAN, Ed.D.,	:	LS 0610262 PSY
RESPONDENT.	:	

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

It is hereby stipulated and agreed, by and between Terrance G. Hickman, Ed.D., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigations of Respondent's licensure by the Division of Enforcement (files 06 PSY 001 & 06 PSY 040). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Terrance G. Hickman, Ed.D.
Respondent
8045 Crab Lake Road
Presque Isle, WI 54557

Date

John R. Zweg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date