

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
HEATHER A. BYRNE, Ph.D., : FINAL DECISION AND ORDER
RESPONDENT. : LS0612065PSY

Division of Enforcement Case # 05 PSY 005

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

Heather A. Byrne, Ph.D.
10130 W. Fountain Ave. # 1508
Milwaukee, WI 53224

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

Psychology Examining Board
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Heather A. Byrne, Ph.D., (DOB 04/11/1960) is duly licensed as a psychologist in the State of Wisconsin (license #57-1943). This license was first granted on December 15, 1995.
2. Respondent's most recent address on file with the Wisconsin Psychology Examining Board is 10130 W. Fountain Avenue, # 1508, Milwaukee, Wisconsin.
3. On or about October 28, 2004, Respondent met with patient V.S. for one hour for the purpose of conducting a full psychological assessment and evaluation of V.S.'s depression and anxiety.
4. Thereafter, V.S. completed 2.5 hours of testing, including the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), the Yale-Brown obsessive-Compulsive Scale (Y-DOCS), the Hand Test (HAND), House-Tree-Person (HTP), Kinetic-House-Tree-Person (KHTP), Kinetic-Family-Drawing (KFD), and Rotter's Incomplete Sentences Blank-College Form (Rotter's).
5. V.S. was billed \$2,400 for 14.5 total hours of service.
6. Of the 14.5 hours, 13.5 hours were billed under Current Procedural Terminology ("CPT") code 90889. The

appropriate CPT code for psychological testing is 96100, which includes scoring, interpretation and report preparation.

7. In a letter dated September 25, 2005, Dr. Byrne states that the 13.5 hours included one hour intake and 2.5 hours of clinical interview and administration of psychological tests. She states that the remaining hours were spent in interpretation and report preparation. However, her billing records indicate that she had already billed for the one hour intake and the 2.5 hours of test administration, in addition to the 13.5 hours. Dr. Byrne had turned her billing over to a third party and states that she did not intentionally over-bill, but did not check her bills.

8. Spending 13.5 hours scoring, interpreting, and preparing a report based upon a one hour clinical interview and 2.5 hours of testing is excessive.

CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §455.09, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 6-8 above constitutes a violation of Wisconsin Administrative Code § Psy 5.01(8) and subjects Respondent to a violation of Wis. Stat. § 455.09(1)(g).

ORDER

IT IS ORDERED:

1. Respondent's license to practice psychology in the State of Wisconsin is LIMITED as follows:
 - (a) Respondent must complete 8 hours of a pre-approved course of continuing education in billing for psychologists, and 8 hours of a pre-approved course of continuing education in the scoring and interpretation of psychological assessments, within 180 days of the date of this order.
 - (b) Respondent must submit for approval the name of the instructor and the institution, and a copy of the course syllabus, within 90 days of the date of this Order. The Board may reject the proposed course, in its discretion, if it determines that the course content does not adequately address the Respondent's conduct as described above. Respondent shall not have a right to any further hearings or proceedings relating to the rejection of any proposed course of education.
 - (c) The education required under this paragraph may not be used to satisfy the continuing education requirements of Wis. Admin. Code § Psy 4.02.
 - (d) Respondent is responsible for all costs associated with this education.
 - (e) Upon completion of the required educational courses, Respondent may petition the board for full licensure.
2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Three Hundred Fifty Dollars (\$1,350.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (# 57-1943) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Psychology Examining Board

By: Don L. Crowder
A Member of the Board

12/6/06
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
HEATHER A. BYRNE, Ph.D., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 05 PSY 005

Heather A. Byrne, Ph.D., personally on her own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 PSY 005). 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 she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her 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 obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Psychology Examining 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Psychology Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, 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 Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. 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.

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

Heather A. Byrne, Ph.D.
10130 W. Fountain Ave. # 1508
Milwaukee, WI 53224

Date

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

Date