

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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  
 : LS 0704101 PSY  
JANELL R. HART, PH.D., :  
RESPONDENT. :

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[Division of Enforcement Case # 06 PSY 025]

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

Janell R. Hart, Ph.D.  
5500 S. Carpenter Street  
Downers Grove, IL 60516

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 Notice of Hearing and Complaint were filed in this matter on April 10, 2007. Prior to the hearing on the formal complaint, the parties in this matter agreed 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Janell R. Hart, Ph.D., Respondent, date of birth April 21, 1964, is licensed by the Wisconsin Psychology Examining Board (Board) as a psychologist in the state of Wisconsin pursuant to license number 2175, which was first granted July 30, 1999.
2. Respondent's last address reported to the Department of Regulation and Licensing is 5500 S. Carpenter Street Downers Grove, IL 60516.
3. Each person licensed to practice as a psychologist in the state of Wisconsin, who wishes to remain licensed, must renew that license biennially, by October 1 of each odd numbered year. [Wis. Stats. §§ 440.08(2)(a)64 and 455.06.]
4. To be qualified to renew the license for the next biennial registration period, the licensee must have completed, in the previous biennial registration period, at least 40 hours of board-approved continuing education, including 6 hours in ethics and 2 additional hours in cultural competence, AODA, or supervision. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]
5. Respondent renewed her license for the October 1, 2005 through September 30, 2007 biennium by completing and signing the renewal form that was sent to her by the Department of Regulation and Licensing (Department). Immediately above the line which Respondent dated and signed on the renewal form was a statement by which Respondent certified that

she had or would complete during the previous biennium the 40 hours of required approved continuing education, including 6 hours in ethics and 2 additional hours in cultural competence, AODA, or supervision.

6. In April 2006, the Department conducted a random audit of compliance with continuing education requirements during the preceding biennium.

a. On April 11, 2006, the Department sent a letter to Respondent requesting her to send the Board verification that she had completed the 40 hours of board-approved continuing education which she had claimed to have completed prior to renewing her license for the October 1, 2005 through September 30, 2007 biennium.

b. Respondent did not respond to the April 11, 2006 request for verification.

c. On May 31, 2006, Respondent was sent a second letter requesting her to send the Board the verification.

d. Respondent did not respond to the May 31, 2006 request for verification.

7. Because Respondent did not respond to the Board's inquires, the Board referred the matter to the Department's Division of Enforcement (DOE) for investigation and possible prosecution, and investigative file 06 PSY 025 was opened on August 21, 2006.

a. On August 24, 2006, DOE wrote to Respondent notifying her of the investigation and requesting her to submit, by September 11, 2006, evidence of the continuing education credits she obtained from October 1, 2003 through September 30, 2005. Respondent was also asked to provide a written explanation as to why she did not respond to the Board's earlier inquiries.

b. On September 19, 2006, Respondent contacted DOE by telephone and acknowledged receipt of the August 24, 2006 letter. Respondent also stated that she had requested the sponsors of the continuing education programs she completed to send her documentation which she would then forward to DOE. DOE requested Respondent to complete the "Continuing Education Attendance Record" and return it with the appropriate documentation within two weeks.

c. DOE did not receive any continuing education documentation from Respondent.

d. On December 19, 2006, DOE sent a follow-up letter to Respondent indicating that if she did not respond by December 22, DOE would issue a formal disciplinary complaint including a count that she failed to cooperate with the investigation.

e. On December 21, 2006, Respondent called DOE and left a voice mail message with her cell phone number and a current office telephone number. On December 22, DOE called and left voice mail messages for Respondent on both telephone numbers. Respondent did not return those calls.

f. On January 4, 2007, DOE called and spoke with Respondent who said she was in session and would call back to DOE. Respondent did not return the call to DOE and DOE called Respondent again on January 9, 2007 and spoke with Respondent, who said she would send her continuing education documentation by the end of the week.

g. DOE did not receive any continuing education documentation from Respondent.

h. DOE again called Respondent and left messages on her office voice mail on four additional dates: January 18 and 30, 2007 and February 7 and 14, 2007. After receiving no response from Respondent, DOE sent her another letter indicating that if she did not respond by February 23, DOE would issue the formal complaint.

8. On April 10, 2007, after having received no response from Respondent, DOE filed the formal Complaint charging Respondent with failing to respond in a timely manner to requests for information from the Board.

9. On May 7, 2007, Respondent was contacted for a prehearing conference with the Administrative Law Judge. Following that conference, Respondent filed an answer to the formal complaint and subsequently submitted documentation of continuing education hours she had completed during the October 1, 2003 through September 30, 2005 biennium. It was determined by DOE that:

a. Respondent had completed 18 hours of board-approved continuing education by attending the *2004 Networker Symposium*; sponsored by Networker, an APA-approved sponsor. There was no verification that there were any hours in the areas of ethics or cultural competence, AODA or supervision.

b. Respondent could not be granted credit for any hours of continuing education for completing the *Sensorimotor Psychotherapy Training for the Treatment of Trauma*, which was presented in 8 modules between March and September 2005 for a total of 108 hours. The program was not APA-approved. The instructor of the program erroneously told participants the program was APA-approved. The same program is currently being offered by an APA-approved sponsor.

10. DOE notified Respondent that she needed to obtain an additional 22 hours of board-approved continuing education, including at least 6 hours in ethics and 2 hours in cultural competence, AODA or supervision, to comply with the Board's requirements for the 2003-2005 biennium. Respondent submitted a plan to obtain those hours.

a. Respondent then submitted documentation of having obtained 10 hours of approved continuing education, which included 6 hours of ethics and 2 hours in cultural competence, by completing the following courses sponsored by At Health, Inc., an APA-approved sponsor:

- 1) *Culture Counts: The Influence of Culture and Society on Mental Health, Mental Illness* (2 hours)
- 2) *Ethical and Legal Issues in Psychotherapy* (4 hours)
- 3) *Nine Ethical Values of Master Therapists* (1 hour)
- 4) *Ethical Boundaries and Custody Evaluations: Interview with Brandt Caudill, JD* (1 hour)
- 5) *America the Violent: Spouse/Partner Abuse by Shae Granam Kosch, PhD, ABPP* (2 hours)

b. Prior to June 30, 2007, Respondent provided DOE with evidence that she obtained an additional 12 hours of approved education by completing *Recreating Partnership: A Solution-Oriented, Collaborative Approach to Couples Therapy*, sponsored by PsychoEducational Resources, Inc. (PER), an APA-approved sponsor.

#### 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, by failing to respond in a timely manner to the requests for verification that Respondent had completed the required continuing education, Respondent has committed unprofessional conduct and is subject to discipline pursuant to Wis. Adm. Code § PSY 5.01(24) and Wis. Stat. § 455.09(1)(g).

3. Respondent, by obtaining only 18 of the required 40 hours of board-approved continuing education during the biennium immediately preceding her application for the renewal of her license for the October 1, 2005 through September 30, 2007 biennium, as required by Wis. Adm. Code § PSY 4.01 and 4.02(1)(a), is subject to discipline pursuant to Wis. Adm. Code § PSY 5.01(28) and Wis. Stat. § 455.09(1)(g).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Janell R. Hart, Ph.D., is hereby REPRIMANDED for the conduct set out above.
2. Respondent is prohibited from applying any of the 22 hours of continuing education identified in Finding of Fact 10 toward satisfaction of the continuing education required during the October 1, 2005 through September 30, 2007 registration biennium.
3. 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 \$690.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. **In the event Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order.**

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

Wisconsin Psychology Examining Board

By: Donald Crowder  
A Member of the Board

7/18/07  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JANELL R. HART, PH.D.,  
RESPONDENT.

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STIPULATION  
LS 0704101 PSY

[Division of Enforcement Case # 06 PSY 025]

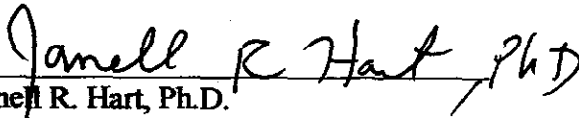
It is hereby stipulated and agreed, by and between Janell R. Hart, Ph.D., Respondent; and John R. Zweg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement (file 06 PSY 025). Respondent consents to the resolution of this matter by stipulation and without a hearing.
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 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.

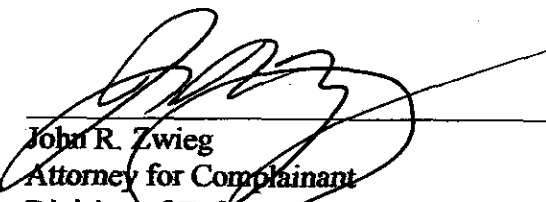
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, if any, 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.

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.

  
Janell R. Hart, Ph.D.  
Respondent  
5500 S. Carpenter Street  
Downers Grove, IL 60516

6-4-07  
Date

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

6-20-07  
Date

[06 PSY 025: Costs \$690.00]

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