

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KERRY HAMSHER, Ph.D., :
RESPONDENT. : LS0710102PSY

Division of Enforcement Case # 06 PSY 050

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

Kerry Hamsher, Ph.D.
c/o Neuropsychology Clinic
1218 W. Kilbourn Ave. # 415
Milwaukee, WI 53233-1325

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. Kerry Hamsher, Ph.D., (DOB 12/10/1946) is duly licensed as a psychologist in the State of Wisconsin (license # 57-769). This license was first granted on April 20, 1979.
2. Respondent's most recent address on file with the Wisconsin Psychology Examining Board is 1218 W. Kilbourn Ave. # 415, Milwaukee, Wisconsin, 53233.
3. On or about October 19, 2005, Respondent received an Administrative Warning for failing to provide a report of a neurobehavioral evaluation within a reasonable time.
4. On or about September 12, 2005, Respondent evaluated patient M.M.

5. Despite having received the above-mentioned administrative warning, Respondent did not provide a report to M.M. until approximate 1 ½ years after the evaluation.

6. In the course of investigating the present complaint, the Psychology Examining Board sent Respondent a letter on January 30, 2007, requesting records and a response to the allegations by February 20, 2007. Respondent did not respond.

7. The Psychology Examining Board sent a second letter, via certified mail, to Respondent on March 13, 2007, requesting the same information and directing a response by April 2, 2007. Postal mailing certification showed that Respondent's office received the letter on March 22, 2007. Respondent did not respond.

8. A disciplinary action was commenced and an investigator sent another letter to Respondent on July 10, 2007. The letter was faxed to Respondent's office and requested a response by July 16, 2007. Respondent replied by e-mail on July 18, 2007, after business hours.

9. Respondent stated that the failure to provide the report was an oversight. He further stated that when the Board brought the matter to his attention, he gave priority to completing the report rather than responding to the Board's inquiry. He stated that he completed and sent the report, and assumed that the Board would be satisfied.

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 3-9 above constitutes a violation of Wisconsin Administrative Code §§ PSY 5.01(2) and PSY 5.01(24) and subjects Respondent to discipline pursuant to Wis. Stat. § 455.09(1)(g) and (h).

ORDER

IT IS ORDERED:

1. Kerry Hamsher, Ph.D. is REPRIMANDED.
2. The license of Kerry Hamsher, Ph.D. is LIMITED as follows:
 - (a) Within ninety (90) days from the date of this order, Respondent shall submit acceptable documentation of successful completion of a course of continuing education in Practice Management.

Acceptable documentation of attendance shall include:

1. Certification from the sponsoring organization;
2. A statement signed by Respondent verifying his attendance at and completion of course requirements, as well as (if required by the Board) a statement signed by a proctor approved by the Board verifying Respondent's attendance and completion of course requirements; and
3. If requested by the Department Monitor, proof of successful completion of a post-test acceptable to the Board and/ or submission of other documentation of course content comprehension acceptable to the Board.

Respondent shall be responsible for all expenses incurred for training and other reporting as required by this order.

Respondent shall be responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90 day

time frame, taking into account the board's meeting schedule.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Three Hundred Fifty Dollars (\$350.00). 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

4. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license(# 57-769) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Psychology Examining Board

By: Donald Crowder Ph.D.
A Member of the Board

10/10/07
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
KERRY HAMSHER, Ph.D., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 06 PSY 050

Kerry Hamsher, Ph.D., personally on his 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 # 06 PSY 050). Respondent consents to the resolution of this investigation by stipulation.

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 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 his 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.

Kerry Hamsher, Ph.D.
c/o Neuropsychology Clinic
1218 W. Kilbourn Ave. # 415
Milwaukee, WI 53233-1325

Date

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

Date