

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
TWILA M. PEARSON, Ph.D.,	:	LS0812031PSY
RESPONDENT.	:	

[Division of Enforcement Cases #'s 05 PSY 045 & 06 PSY 031]

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

Twila M. Pearson, Ph.D.
4386 W. Deer Run Drive #104
Brown Deer, WI 53223

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 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Twila M. Pearson, Ph.D., Respondent, date of birth February 19, 1947, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the State of Wisconsin pursuant to license number 2202, which was first granted October 8, 1999.

2. Respondent's last address reported to the Department of Regulation and Licensing is 4386 W. Deer Run Drive #104, Brown Deer, WI 53223.

COUNT I

3. In 1988, while Respondent was employed as a registered nurse at Mendota Mental Health Institute (Mendota) in Madison, Wisconsin, Respondent provided psychiatric nursing services to Mr. A (DOB 9/29/71) who was an inpatient at that facility. Later that year, after Respondent left Mendota for another job, female friends of Mr. A called her and said Mr. A wanted her to contact him because he enjoyed her company. Respondent says she did not contact him.

4. During the early 1990s, Mr. A was convicted of several crimes, was sentenced to prison and was an inmate at Racine Correctional Institute and Columbia Correctional Institute.

5. After becoming licensed as a psychologist in October 1999, Respondent began working as a psychologist for the Department of Corrections at what was then the Supermax Correctional Institute (Supermax) in Boscobel, Wisconsin.

6. On March 10, 2000, Mr. A was transferred to Supermax. On March 14, Respondent performed a review of Mr. A's records and completed a Clinical Services Brief Diagnostic Summary in which she noted:

Current Axis I Diagnoses: alcohol abuse, cocaine abuse in controlled environment, intermittent malingering with psychotic features.

Current Axis II Diagnoses: Antisocial Personality Disorder.

History: Has had 5 admissions to Mendota, 1 admission to Winnebago Mental Health Institute and 2 admissions to Wisconsin Resource Center.

Clinical Concerns: Very manipulative has successfully fooled several clinicians into accepting feigned symptoms. Has attempted to use staff and individuals in the community through over involved relationships on several occasions.

7. Respondent says she had told her supervisor that she felt she should not be Mr. A's treatment provider because of the bond that had formed between them during the nurse-patient relationship at Mendota. In April 2000, Mr. A was seen on two occasions by two other Supermax psychologists. These other psychologists resigned their positions at Supermax and Respondent was the only remaining staff psychologist for a period of time.

8. From July 18, 2000 to January 2, 2002, Respondent provided psychological services to Mr. A on at least 33 occasions. Two less experienced psychologists were employed at Supermax during this time, but Respondent continued treating Mr. A because she believed they were making progress in treatment.

9. On May 23, 2002, Mr. A was transferred from Supermax to Waupun Correctional Institution (Waupun). Respondent and Mr. A exchanged letters of a personal nature during the time Mr. A was an inmate at Waupun.

10. In October 2002, Respondent left her position at Supermax and obtained employment at St. Michael's Hospital in Milwaukee, Wisconsin.

11. On November 26, 2002, Mr. A was transferred from Waupun to Jackson Correctional Institution (Jackson). Respondent continued to correspond with Mr. A while he was incarcerated at Jackson and in December 2002, began to deposit money into Mr. A's account using the alias "Marie Johnson."

12. On December 15, 2002, Respondent, using the alias "Marie Johnson," wrote letters to Mr. A's Parole Agent and the Parole Board identifying herself as Mr. A's fiancée. Respondent stated that she was able to provide Mr. A with a stable home and a good job and made a plea for his early release. Respondent did not disclose her real name or that she had been Mr. A's psychologist at Supermax earlier that year.

13. On September 30, 2003, Respondent picked Mr. A up at Jackson when he was released on mandatory discharge. Mr. A lived with his grandmother for a short period of time and then moved in with Respondent in January 2004. Prior to January of 2004, Respondent and Mr. A began having sexual contact with one another. Respondent and Mr. A were married September 30, 2004.

14. In October 2004, Mr. A was arrested for possession of drug paraphernalia. On March 29, 2005, Mr. A was re-incarcerated at Columbia Correctional Institute as a result of his relapse into drug abuse and subsequent criminal behavior to obtain money for drugs.

COUNT II

15. The Division of Enforcement (DOE) performed an investigation on behalf of the Board, of Respondent's conduct set out in Count I. DOE asked Respondent about her relationship with Mr. A. Respondent's initial response to DOE was untruthful and she denied a personal relationship with Mr. A. Only after DOE confronted her with evidence of the relationship did Respondent admit the conduct which had taken place.

COUNT III

16. 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.]

17. To be qualified to renew the license for the next biennial registration period, the licensee must have completed at least 40 hours of board-approved continuing education in the previous biennial registration period. The Board may require that a specified number of hours be acquired within specified topic areas. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]

October 1, 2003 – September 30, 2005 Continuing Education Requirement

18. Respondent renewed her license for the October 1, 2005 through September 30, 2007 biennium by completing and signing a renewal form that was sent to her by the Department of Regulation and Licensing. By signing the renewal form Respondent certified that she had or would complete, during October 1, 2003 – September 30, 2005, the 40 hours of required approved continuing education, including 6 hours in ethics and 2 additional hours in cultural competence, AODA, or supervision.

19. The Department sent Respondent a letter auditing Respondent's compliance with the continuing education requirements for the October 1, 2003 through September 30, 2005 biennium. On May 10, 2006, Respondent submitted documentation of continuing education she had taken during the audited biennium. It was determined that Respondent had completed only 36 hours of approved continuing education during the audited biennium. Respondent did complete the six hours in ethics and 2 hours in one of the other required areas.

20. In a letter received by the Department on September 22, 2006, Respondent provided evidence that she had completed 11 hours of continuing education at the Midwest Conference on Child Sexual Abuse and Incest from October 17-20, 2005, which was the month after the end of the audited biennium. Respondent offered that if the Department would be willing to include those credits to make up her shortage, she would not use those credits towards the continuing education that would be required during the October 1, 2005 – September 30, 2007 biennium.

October 1, 2005 – September 30, 2007 Continuing Education Requirement

21. Respondent renewed her license for the October 1, 2007 through September 30, 2009 biennium by completing and signing a renewal form that was sent to her by the Department of Regulation and Licensing. By signing the renewal form Respondent certified that she had or would complete, during October 1, 2005 – September 30, 2007, the 40 hours of required approved continuing education, including 6 hours in ethics and 2 additional hours in cultural competence, AODA, or supervision.

22. The Department sent Respondent a letter auditing Respondent's compliance with the continuing education requirements for the October 1, 2005 through September 30, 2007 biennium. On September 11, 2008, Respondent submitted documentation of continuing education that she contended she had completed during the audited biennium. There were no hours in cultural competence, AODA, or supervision. There were 89 hours of continuing education, but only 33 of the hours could be counted toward meeting the 40 hour requirement for the following reasons:

a. 32 hours were for courses that were not approved by the Board.

b. 4 of the 11 hours for the October 17-20, 2005 Midwest Conference on Child Sexual Abuse and Incest could not be counted because they had previously been used to satisfy Respondent's shortage of hours for the previous biennium. [See Finding of Fact 20, above.]

c. 20 hours had been used to satisfy the requirements of the previous biennium. Those hours were for two courses (15 hours for Alzheimer's Disease and 5 hours for What Healthcare Professionals Should Know about Exercise), for which the completion certificates were dated when Respondent paid the course fees during the following biennium, but which Respondent had contended she completed during the audited biennium.

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 engaging in sexual contact and sexual conduct with a former client within two years of termination of professional services, has violated Wis. Adm. Code § PSY 5.01(14)(b), which subjects Respondent to discipline pursuant to Wis. Stat. § 455.09(g).

3. Respondent, by failing to respond honestly to a request for information on behalf of the Board, has violated Wis. Adm. Code § PSY 5.01(24), which subjects Respondent to discipline pursuant to Wis. Stat. § 455.09(g).

4. Respondent, by completing none of the 2 required hours in cultural competence, AODA, or supervision and by completing only 33 of the 40 required hours of continuing education during the biennium immediately preceding her application for the renewal of her license for the October 1, 2007 through September 30, 2009 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. The surrender by Twila M. Pearson, Ph.D., of her license as a psychologist in the state of Wisconsin is hereby accepted, effective immediately.

2. Respondent may petition the Psychology Examining Board for the reinstatement of her license, after two years, under the following terms and conditions:

a. Respondent shall, at her own expense, have undergone an assessment by a mental health professional with experience in evaluating mental health professionals who have become involved sexually with patients or clients.

b. The practitioner performing the assessment must have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public.

d. If the Board determines to reinstate Respondent's license, Respondent's license shall be limited in a manner to address the findings in this matter and any recommendations resulting from the assessment, including, but not limited to:

1) Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

2) Additional professional education in any identified areas of deficiency.

3) Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

e. Respondent shall not be granted any license until she has paid to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$1,975.00 pursuant to Wis. Stat. § 440.22(2).

3. If Respondent believes that the Board's refusal to reinstate her license is inappropriate or that any limitation imposed or maintained by the Board under paragraph 2d is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The surrender of license or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. All requests, notices and payments required by this Order shall be mailed, faxed 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
Telephone: (608) 267-3817

Fax: (608) 266-2264

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

Wisconsin Psychology Examining Board

By: Donald L Crowder
A Member of the Board

12/3/08
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
TWILA M. PEARSON, Ph.D.,	:	LS _____ PSY
RESPONDENT.	:	

[Division of Enforcement Case #'s 05 PSY 045 & 06 PSY 031]

It is hereby stipulated and agreed, by and between Twila M. Pearson, Ph.D., Respondent; Ian A. J. Pitz of Michael Best & Friedrich LLP, attorneys for 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. 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 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 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 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.

Twila M. Pearson, Ph.D.
Respondent
4386 W. Deer Run Drive #104
Brown Deer, WI 53223

Date

Ian A. J. Pitz
Michael Best & Friedrich LLP
Attorneys for Respondent
P.O. Box 1806
Madison, WI 53701-1806

Date

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

Date