

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
LUCILLE K. KIRKEGAARD,	:	LS0907162PSY
RESPONDENT.	:	

[Division of Enforcement Case # 06 PSY 025]

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

Lucille K. Kirkegaard
515 N. 5th Avenue
Sturgeon Bay , WI 54235

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. Lucille K. Kirkegaard, Respondent, date of birth August 1, 1937, is licensed by the Wisconsin Psychology Examining Board (Board) as a private practice school psychologist in the state of Wisconsin pursuant to license number 212, which was first granted January 14, 1983.

2. Respondent's last address reported to the Department of Regulation and Licensing (Department) is 515 N. 5th Avenue, Sturgeon Bay, WI 54235.

3. Each person licensed for the private practice of school psychology 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)63 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 either cultural competence, AODA, or supervision. [Wis. Adm. Code §§ Psy 4.01 and Psy 4.02]

5. In April 2006, the Board audited Respondent's compliance with the continuing education requirements for the October 1, 2003 through September 30, 2005 biennium.

The audit disclosed that Respondent had committed a minor violation of the Board's continuing

education requirements during that period.

Respondent was issued an administrative warning which put Respondent on notice that any subsequent similar violation may result in disciplinary action.

Respondent was informed that she would again be audited following the October 1, 2005 through September 30, 2007 biennium.

6. On August 20, 2007, Licensee renewed her license online and answered “Yes” to the following question:

“I have completed 40 hours of continuing education (including 6 hours in ethics which must be approved by the board and 2 additional hours in either cultural competence, AODA, or supervision) as provided in section PSY 4.02, Wis. Admin. Code, during the biennium immediately preceding this application (10/1/05-9/30/07), and I have documentation of this coursework which I will furnish to the Department upon request.”

7. On August 29, 2008, Respondent was sent a letter auditing Respondent’s compliance with the continuing education requirements for the October 1, 2005 through September 30, 2007 biennium.

8. In response to this audit, Respondent submitted documentation of having completed more than the required 40 hours of board-approved continuing education. The documentation, however, did not contain evidence that she completed the required 6 hours of continuing education in the area of ethics/jurisprudence nor 2 hours in either cultural competence, AODA identification and treatment or supervision.

9. On October 7, 2008, the Division of Enforcement (DOE):

Sent Respondent a letter notifying her of her non-compliance with the Board’s continuing education requirements because the documentation lacked evidence of her completion of the required hours in ethics/jurisprudence and either cultural competence, AODA identification and treatment or supervision.

Requested Respondent to submit documentation of having completed the required hours in ethics/jurisprudence and either cultural competence, AODA identification and treatment or supervision, or a plan outlining how she intended to comply with the Board’s requirements.

10. In response to DOE’s request, Respondent:

Discussed with DOE a plan to complete the required hours in ethics/jurisprudence. DOE informed Respondent that her plan was acceptable.

Submitted documentation of her participation in a People to People Ambassador Program/Delegation to China in December 2007, to satisfy the content requirement in the area of cultural competence.

11. The documentation for the People to People Ambassador Program was shared with the member of the Board serving as case advisor. The case advisor determined that the content of this program was acceptable to satisfy the requirement for content in the area of cultural competence and that Respondent could count these hours toward fulfilling the continuing education requirements for the October 1, 2005 through September 30, 2007 biennium.

12. As requested, Respondent submitted documentation of having obtained an additional twelve (12) hours of board-approved continuing education in the area of ethics by completing “*Ethics In Counseling and Psychotherapy: Standards, Research, and Emerging Issues, 3rd edition*,” sponsored by the Institute for the Study of Human Knowledge (ISHK), an APA-approved sponsor – February 28, 2009.

13. Respondent completed an additional twelve (12) hours of board-approved continuing education in the area of ethics since September 30, 2007, of which six (6) of the hours have been counted toward fulfilling the continuing education requirements for the October 1, 2005 through September 30, 2007 biennium.

14. Respondent had not completed the required hours of board-approved continuing education in the area of ethics and either cultural competence, AODA identification and treatment or supervision, during the October 1, 2005 through September 30, 2007 biennium and, therefore, was in violation of Wis. Adm. Code § 5.01(28) for having violated the

continuing education requirements of Wis. Stat. § 455.06.

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 complete the required hours of board-approved continuing education in the area of ethics and either cultural competence, AODA identification and treatment or supervision, 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. Respondent, Lucille K. Kirkegaard, Ph.D., is hereby REPRIMANDED for the conduct set out above.

2. Respondent is prohibited from applying six (6) of the twelve (12) hours of continuing education identified in Finding of Fact 12 toward satisfaction of the continuing education required during the October 1, 2007 through September 30, 2009 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 \$350.00 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

7/15/09
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
LUCILLE K. KIRKEGAARD, : STIPULATION
 : LS _____ PSY
RESPONDENT. :

[Division of Enforcement Case # 08 PSY 026]

It is hereby stipulated and agreed, by and between Lucille K. Kirkegaard, 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 a pending investigation 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 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.

Lucille K. Kirkegaard, Ph.D.

Respondent

515 N. 5th Avenue

Sturgeon Bay, WI 54235

Date

John R. Zweg

Attorney for Complainant

Division of Enforcement

Department of Regulation and Licensing

P.O. Box 8935

Madison, WI 53708-8935

Date