

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
PAUL R. HAMILTON,	:	LS0912021PSY
RESPONDENT.	:	

Division of Enforcement Case # 08 PSY 012

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

Paul R. Hamilton
c/o Clinical Psychology Associates
W 156 N 8327 Pilgrim Road
Menomonee Falls, WI 53051

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. Paul R. Hamilton, (DOB 12/17/1971) is duly licensed as a psychologist in the State of Wisconsin (license #57-2471). This license was first granted on October 13, 2003.
2. Respondent's most recent address on file with the Wisconsin Psychology Examining Board is c/o Clinical Psychology Associates, W 156 N 8327 Pilgrim Road, Menomonee Falls, Wisconsin, 53051.
3. Respondent treated minor patient A, at the request of her parents, from November of 2005 (when patient A

was 16 years old) through January of 2007 (when patient A turned 18 years old). Although the parents state that they authorized only two treatment sessions per week, throughout much of 2006 Respondent billed for as many as seven sessions per week. Some of these sessions occurred on weekends and at night. Respondent states that the patient's parents were advised of many of the additional sessions, which occurred both in person and through electronic communications, e.g., e-mail, instant messaging. Respondent also states that he discussed with the patient's parents the efficacy of this form of treatment for the patient. The parents denied knowledge of several of these treatment sessions at the time they allegedly occurred.

4. When patient A's insurance benefits were exhausted, Respondent billed her insurance company under her parents names, although he did not see her parents as patients. Patient A's insurance company reviewed the billing practices in this matter and concluded that the sessions billed under the patient's parents' names were incorrectly coded, but that all of the outpatient sessions provided by Respondent were covered. Respondent has changed his billing practice so that coding for services provided accurately reflects the client(s) served. The insurance company has no concerns with regard to how Respondent currently bills for services rendered, and Respondent remains in good standing with the insurance company.

5. In November of 2006, patient A's parents requested and received an invoice, showing a credit balance of \$35. However, when they terminated Respondent's services in January of 2007, they received a bill showing outstanding balances of \$10,560 for services allegedly provided to the father, \$750 for services allegedly provided to the mother, and \$320 for services provided to patient A. During the course of a small claims action between the parties, patient A's parent received two additional bills showing different amounts owed. Respondent states that his billing practice during this period was to not bill for services until all claims had been processed by third-party payors. This led to errors and confusion. Respondent states that he has changed his billing practices to ensure that clients receive prompt and accurate billing information.

6. When patient A's parents disputed their bill, Respondent contacted patient A by e-mail, and told her of the dispute. Patient A responded to this information by advising Respondent that the dispute physically upset her and caused her to self-harm. She stated that she intended to stop treatment with her current therapist as a result. Despite this reaction, Respondent continued to discuss the billing dispute with her, and cautioned her to not disclose information about these discussions, or her reactions to the discussions, to her parents. In response to Patient A's statement that she was intending to cut herself, Respondent urged her not to harm herself anymore.

7. Respondent voluntarily completed 20 credits of continuing education in patient boundaries in November, 2008.

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 3-5 above constitutes a violation of Wis. Admin. Code § PSY 5.01(8), and subjects Respondent to discipline pursuant to Wis. Stat. § 455.09(1)(g).

3. The conduct described in paragraph 7 above constitutes a violation of Wis. Admin. Code § PSY 5.01(2) and Wis. Stat. 455.09(1)(h), and subjects Respondent to discipline pursuant to Wis. Stat. § 455.09(1)(g) and (h).

ORDER

IT IS ORDERED:

1. The license of Paul R. Hamilton to practice psychology in the State of Wisconsin is LIMITED as follows:
 - (a) SUPERVISION: Respondent shall, at his own expense, arrange for supervision of his work by a psychologist who shall be approved in advance by the Board or its designee. The supervising psychologist shall monitor Respondent's work on a weekly basis, including but not limited to reviewing random patient healthcare and billing records, and provide quarterly reports to the Board. Respondent is responsible for obtaining any necessary patient releases in order to provide the supervising psychologist with access to all records.

In the event that the supervising psychologist reports a violation of ethics or conduct below minimum standards for a psychologist, Respondent's license shall be immediately suspended without notice or hearing. If Respondent requests a hearing on the suspension, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process

Respondent may petition the Board to end this supervision requirement after one year.

- (b) EDUCATION: Within six months from the date of this order, Respondent shall submit acceptable documentation of successful completion of six (6) hours of continuing education in law and ethics for psychologists and six (6) hours of continuing education in billing for psychologists.

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

Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. § 455.065 and Wis. Admin. Code § PSY 4.02 continuing education requirements.

2. COSTS: Respondent shall, within six months from the date of this Order, pay costs of this proceeding in the amount of One Thousand Two Hundred Dollars (\$1,200.00). 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

3. In the event Respondent fails to pay costs as ordered, fails to comply with the ordered continuing education, or fails to obtain supervision as required above, the Respondent's license (# 57 - 2471) SHALL BE OR REMAIN 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.

By: Erica Serlin, Ph.D.
A Member of the Board

12/02/09
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	
	:	STIPULATION
PAUL R. HAMILTON,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 08 PSY 012

Paul R. Hamilton, personally and by his attorney Linda Dawson; 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 # 08 PSY 012). 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.

Paul R. Hamilton
c/o Clinical Psychology Associates
W 156 N 8327 Pilgrim Road
Menomonee Falls, WI 53051

Date

Linda Dawson
Attorney for Paul R. Hamilton
Reinhart Boerner Van Deuren, S.C.
P.O. Box 2018
Madison, WI 53701-2018

Date

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

Date