

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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
VERNE ELLSWORTH LEWIS, Ph.D.,	:	
RESPONDENT.	:	<b>ORDER 0000894</b>

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[Division of Enforcement Case # 08 PSY 009]

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

Verne Ellsworth Lewis, Ph.D.  
Psychology Service Unit, PDCI  
500 East Parrish Street  
P.O. Box 6000  
Prairie du Chien, WI 53821

Wisconsin Psychology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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

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. Verne Ellsworth Lewis, Ph.D., Respondent, date of birth July 4, 1955, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin, pursuant to license number 1830, which was first granted in February 24, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is Psychology Service Unit, PDCI, 500 East Parrish Street, P.O. Box 6000, Prairie du Chien, WI 53821.

3. In early 2000, Ms. C was referred to Respondent for psychotherapy. Respondent provided individual psychotherapy to Ms. C until May of 2006.
4. Between 2000 and 2006, psychotherapy was not provided continuously. There were numerous breaks in therapy, including, but not limited to: September 2000 to January 2001, September 2002 to January 2003, and July 2005 to January 2006.
5. In late April 2006, Ms. C expressed feelings toward the Respondent. They agreed to terminate therapy in May of 2006.
6. Respondent's first sexual contact with Ms. C, with whom he has remained in a publicly acknowledged and committed relationship, was in June of 2007.
7. In May 2008, Respondent self reported to the Department of Regulation and Licensing that he had engaged in sexual conduct with Ms. C, a former patient, within two years of termination of professional services.
8. Respondent denies, and the Department does not allege, that he has engaged in sexual conduct with any other patients.
9. The Psychology Examining Board has not met with Respondent, nor evaluated his competency, character, or reputation among professional colleagues. This disciplinary action is based principally on the Respondent's self-reported violation of professional guidelines, and does not represent any further judgment or conclusion regarding the Respondent's professional knowledge, skill, ethics, or conduct.
10. The Respondent has been a licensed psychologist in Arizona, California, Iowa, and Wisconsin. He has practiced with one or more of these licenses since 1989. There are no prior disciplinary actions in any state.
11. Ms. C denies that she has been harmed by the Respondent.

#### 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 conduct with Ms. C within two years of termination of professional services, as set out above, has committed unprofessional conduct as defined by Wis. Adm. Code §PSY 5.01(14)(b) and is subject to discipline pursuant to Wis. Stat. §455.09(1)(g).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Verne Ellsworth Lewis, Ph.D., Respondent, of his license to practice psychology in the state of Wisconsin is hereby accepted, effective immediately.

2. Respondent shall not petition the Psychology Examining Board for re-licensure for at least (2) years from the date of this Order. After the two year period, Respondent may or may not be granted re-licensure, but may petition for re-licensure, under the following terms and conditions:

a. Respondent shall notify the Division of Enforcement (Division) of the request and the Division shall have the opportunity to apprise the Board of all allegations and information contained in the investigative file.

b. Respondent shall meet all of the statutory and rule requirements for licensure in effect at the time of the application.

c. In the event that Respondent petitions the Psychology Examining Board for re-licensure, Respondent shall pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) pursuant to Wis. Stat. §440.22(2), at that time.

d. In the event that Respondent petitions the Psychology Examining Board for re-licensure, Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in assessing health care providers who have become involved sexually with patients or clients.

e. The practitioner performing the assessment shall not have treated Respondent and prior to the assessment being performed, must be approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation.

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

g. The Board in deciding whether to grant the petition shall consider and weigh the three objectives of professional discipline:

- Protection of the public.
- Deterrence of the licensee and other licensees.
- Rehabilitation of the license.

h. If the Board determines to grant Respondent's petition for re

licensure, Respondent's license shall be limited in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address 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.

3. If Respondent believes that any denial of licensure or that any limitation imposed by the Board 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 denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Any requests, notices, proof or payments 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  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

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

Wisconsin Psychology Examining Board

By:  PhD  
A Member of the Board

4/8/11  
Date