

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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|                                 |   |                          |
|---------------------------------|---|--------------------------|
| IN THE MATTER OF THE LICENSE OF | : |                          |
|                                 | : | FINAL DECISION AND ORDER |
|                                 | : | FOR REMEDIAL EDUCATION   |
| SCOTT ALLEN, PSY.D.,            | : |                          |
| RESPONDENT.                     | : |                          |

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**0002693**

Division of Legal Services and Compliance<sup>1</sup> Case No. 12 PSY 032

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

Scott Allen, Psy.D.  
37982 Wildwood Lane  
Oconomowoc, WI 53066

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

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Psychology Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Scott Allen, Psy.D., (dob October 25, 1960), is licensed in the State of Wisconsin as a psychologist, having license number 1818-57, first issued on January 20, 1994, and current through September 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 37982 Wildwood Lane, Oconomowoc, Wisconsin 53066.

2. At all times relevant to this action, Respondent was employed as a psychologist for a counseling service in Brookfield, Wisconsin.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. From May 2007 through March 2008, Respondent treated Patient A, providing psychological counseling services during private sessions.

4. On several occasions, Patient A's wife appeared unannounced at Respondent's office, became boisterous and demanded to participate in Respondent's counseling sessions with patient A.

5. Respondent permitted Patient A's wife to attend the private counseling sessions with Patient A in an attempt to resolve some of their marital challenges.

6. On June 9, 2009, Respondent wrote a letter on behalf of Patient A, addressed to "whom it may concern", which contained impressions of Patient A's wife based on his observations of her conduct during the counseling sessions. The letter stated that Respondent did not formally assess or evaluate Patient A's wife.

7. Patient A subsequently made the contents of the letter known to others during a public divorce proceeding in 2009.

8. Patient A's wife had a reasonable expectation of privacy as to statements made by her during the counseling sessions.

#### CONCLUSIONS OF LAW

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 pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within one hundred and eighty (180) days of the date of this Order, at his own expense, Respondent shall successfully complete six (6) hours of education on the topic of forensic practice. The courses and providers must be pre-approved by the Board's monitoring liaison. To satisfy this requirement, Respondent must take and pass any exam offered for the courses. All courses shall be "live" and "in-person" and not taken on-line through the internet, or in any pre-recorded medium.

3. Within one hundred and eighty (180) days of this Order, at his own expense, Respondent shall also successfully complete four (4) hours of education on the topic of professional boundaries; and (4) hours of education on the topic of informed consent. To satisfy this requirement, Respondent will be allowed to secure the use of a tutor, at his expense, who will develop a tailored course(s) on the above mentioned topics and will meet with Respondent for an "in-person" session(s). Prior to the start of any "in-person" presentation, both the tutor and the course syllabus must have the pre-approval of the Board's monitoring liaison.

4. If Respondent is unable to secure the courses listed for remedial education in paragraphs 2 and 3 within the time allotted, Respondent, upon a showing of good cause, may

request the Board for an extension of time. Any approval to an extension of time to this Order shall remain at the discretion of the Board.

5. Respondent shall submit proof of successful completion of the remedial education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be required by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

6. Within ninety (90) days from the date of this Order, Respondent Scott Allen, Psy.D., shall pay COSTS of this matter in the amount of four hundred fifty dollars (\$450.00).

7. Requests for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely complete the education or submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 1818-57) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by: Bruce R. Edmann PhD  
A Member of the Board

11/5/2013  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF

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:  
:  
:

STIPULATION

SCOTT ALLEN, PSY.D.,  
RESPONDENT.

**0002693**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 PSY 032

Respondent Scott Allen, Psy.D., and the Division of Legal Services and Compliance,  
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the  
Division of Legal Services and Compliance. Respondent consents to the resolution of this  
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily  
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by  
subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution,  
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,  
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has  
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by  
the Wisconsin Psychology Examining Board (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.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



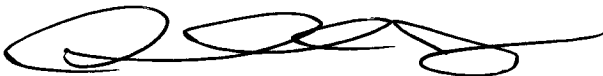
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Scott Allen, Psy.D., Respondent  
37982 Wildwood Lane  
Oconomowoc, WI 53066  
License no. 57-1818

\_\_\_\_\_  
10/7/13  
Date



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James Walden, Jr., Attorney for Respondent  
Walden, Schuster & Vaklyes, S.C.  
707 West Moreland Boulevard, Suite 9  
Waukesha, WI 53188  
State Bar No. 1009136

\_\_\_\_\_  
10/5/13  
Date



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Micabil Diaz-Martinez, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935  
State Bar No. 1012977

\_\_\_\_\_  
OCTOBER 1, 2013  
Date