

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RANDAL J. GAGE, PH.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003357**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 PSY 045

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

Randal J. Gage, Ph.D.  
3323 Sundet Road  
Eau Claire, WI 54703

Wisconsin Psychology Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Wisconsin 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 Randal J. Gage, Ph.D., (dob April 10, 1958) is licensed in the State of Wisconsin as a psychologist, having license number 2614-57, first granted on May 26, 2006, and expired on September 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3323 Sundet Road, Eau Claire, Wisconsin 54703.

2. On November 26, 2012, Respondent was terminated from his position as a psychologist at the Chippewa Valley Correctional Treatment Facility for a variety of work rule

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

violations, including falsifying records to show that he had provided therapy to patients when he had not done so, failing to document diagnoses for patients he did see, falling asleep during patient treatment sessions, failing to provide treatment to patients, and for inappropriately disclosing details of his sexual history to patients.

3. Respondent concedes that his documentation of patient care was less than optimal.

4. It is Respondent's opinion that the factual basis underlying his termination by the Department of Corrections did not constitute any violation of minimally acceptable standards of practice, given the circumstances of his practice of psychology at Chippewa Valley Correctional Treatment Facility.

5. Respondent concedes that there is sufficient evidence on which the Board could reasonably conclude that he did not meet minimally acceptable standards of practice.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Randal J. Gage, Ph.D., violated Wis. Admin. Code § Psy 5.01(33) by failing to maintain adequate records of patient care.

3. As a result of the above violation, Randal J. Gage, Ph.D., is subject to discipline pursuant to Wis. Stat. § 455.09.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Randal J. Gage, Ph.D.'s license to practice psychology is **SUSPENDED** for an **INDEFINITE PERIOD** commencing November 27, 2012, and continuing until Respondent submits evidence satisfactory to the Board or its designee that Respondent has completed remedial education as described in this Order.

a. Respondent shall complete six (6) credits of preapproved education in the topic of clinical self-assessment, six (6) credits of preapproved education credits in the topic of ethics for psychology practice including identification of boundary crossing, and six (6) credits of preapproved education in the topic of treating adult victims of childhood sexual abuse.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the

Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Psychology Examining Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval. Any decision under this subsection is not reviewable.

d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

3. Within 90 days from the date of this Order, Randal J. Gage, Ph.D., shall pay COSTS of this matter in the amount of \$650.00.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. 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 submit payment of the costs as ordered, Respondent's license (no. 2614-57) 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.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by:   
A Member of the Board

8.27.14  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RANDAL J. GAGE, PH.D.,  
RESPONDENT.

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STIPULATION

**0003357**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 PSY 045

Respondent Randal J. Gage, Ph.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. Respondent  
is represented by Harry Hertel.

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

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

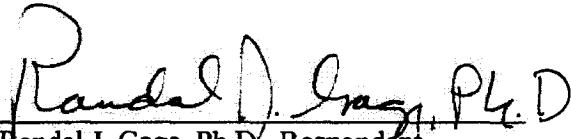
or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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 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.

  
Randal J. Gage, Ph.D., Respondent  
3323 Sundet Road  
Eau Claire, WI 54703  
License no. 2614-57

4/8/14  
Date

  
Harry Hertel  
Hertel Law, S.C.  
4330 Golf Terrace, Ste 108  
Eau Claire, WI 54701

April 8, 2014  
Date

  
James E. Polewski, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

March 25, 2014  
Date