

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
SANDRA K. JOHNSTON, PH.D., :
RESPONDENT. :

0004891

Division of Legal Services and Compliance Case No. 15 PSY 036

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

Sandra K. Johnston, Ph.D.
2022 Windsor Ct.
Plover, WI 54467

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 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 Sandra K. Johnston, Ph.D., (dob August 23, 1963) is licensed in the State of Wisconsin as a psychologist, having license number 3184-57, first granted on August 4, 2014 and current through September 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2022 Windsor Court, Plover, Wisconsin 54467.

2. Between April 22, 2013, and January 10, 2015, Respondent was employed as a staff psychologist at a correctional institution.

3. During this time, Inmate A was on Respondent's caseload.

4. Respondent provided treatment to Inmate A on eleven dates from May 13, 2013, to January 9, 2015, including a referral to psychiatry on October 28, 2014.

5. On July 12, 2015, Respondent attempted to turn in a fraternization exemption form to her supervisor. Respondent claimed that she was friends with Inmate A's family and knew them through church.

6. The DOC conducted an investigation into Respondent's relationship with Inmate A which revealed the following:

- a. On January 27, 2015, the first telephone call occurred between Respondent and Inmate A. Inmate A initiated the call via three-way connection. From the discussion, it appears that Respondent and Inmate A had already exchanged several letters, some of which were sexual. Near the end of the call Respondent tells Inmate A that she is falling in love with him and Inmate A tells Respondent that he loves her.
- b. Following the January 27, 2015 telephone call, Respondent registered an account with the prison phone system under the alias "Cassie Fox."
- c. On January 30, 2015, Inmate A placed the first direct call to Respondent. The number Inmate A dialed was registered to Cassie Fox.
- d. On February 28, 2015, Respondent and Inmate A engaged in sexually explicit conversation.
- e. From January 27, 2015, through November 20, 2015, Respondent and Inmate A conducted over 1,500 phone calls and talked for over 35,000 minutes.
- f. Inmate A was found to be in possession of numerous cards and letters sent by Respondent. Those letters were either signed "Cassie," "Cass," or "Sandra." Some of the cards and letters ended with: "Sweet dreams, I love you baby," "Love Cass," "Your loving wife," "Please come home, you are my heart," "Love your wife."
- g. In several of the letters Respondent wrote about: being able to finally "openly talk about [their] relationship" with her family, sexually explicit topics, and "never wanting nothing more in [her] life than to be [Inmate A's] wife."
- h. Inmate A was also found to be in possession of numerous pictures of Respondent, including pictures of the inside of her home, her family and pictures of Respondent in her under garments, partially nude, and in sexually suggestive poses.

7. On October 26, 2015, Respondent, in an interview with a DOC investigator described her relationship with Inmate A as a “courtship.” Respondent also admitted that she was aware of the DOC’s fraternization policy and that she used the name “Cassie Fox” to hide her identity because she was “nervous at first.”

8. On May 27, 2016, Respondent, in an interview with a Department investigator, admitted to the following:

- a. Respondent had an ongoing romantic relationship with Inmate A.
- b. Inmate A does not have a mental disorder based on her evaluation.
- c. Patient visits with Inmate A were therapeutic in nature, but were not treatment for any mental disorder.
- d. Inmate A kissed Respondent after a session on Respondent’s last day at the correctional institution but did not report the contact.
- e. Respondent had at least one sexual fantasy about Inmate A before leaving the correctional institution.
- f. Respondent received a letter from Inmate A shortly after the kiss and her last day at the correctional institution.
- g. Respondent agreed to be in a romantic relationship with Inmate A.
- h. Respondent used a fake identity to speak with Inmate A so her former coworkers would not find out about their relationship.
- k. Respondent plans to marry Inmate A.
- l. Respondent does not believe that there is anything unethical about her relationship with Inmate A, and does not believe that there is a power imbalance between the two of them.

9. 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(1), 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, Sandra K. Johnston, Ph.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Psy 5.01(14)(a), by engaging in sexual contact, sexual conduct, kissing, or any other behavior which could reasonably be construed as seductive, romantic, or exploitative with a client.

3. By the conduct described in the Findings of Fact, Sandra K. Johnston, Ph.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Psy 5.01(14)(b), by engaging in sexual contact, sexual conduct, kissing, or any other behavior which could

reasonably be construed as seductive, romantic, or exploitative with a former client within 2 years of termination of professional services.

4. As a result of the above violations, Sandra K. Johnston, Ph.D., is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

ORDER

1. The attached Stipulation is accepted.
2. The license to practice psychology in the State of Wisconsin issued to Sandra K. Johnston, Ph.D., (license no. 3184-57) is **SUSPENDED** for one (1) year from the date of this Order.
3. Respondent shall not engage in the practice of psychology while her license to do so is suspended.
4. The license to practice psychology in the State of Wisconsin issued to Sandra K. Johnston, Ph.D., (license no. 3184-57) is **LIMITED** as follows:
 - a. Within one (1) year from the date of this Order and no more than thirty (30) days prior to engaging in the practice of psychology, Respondent shall undergo an evaluation by a mental health care professional who is competent to determine whether or not Respondent possesses a mental health condition which renders Respondent unable to practice psychology with reasonable skill and safety to patients.
 - b. The evaluator must be preapproved by the Board's designee, under the following terms:
 - i. Before undergoing the evaluation, Respondent shall submit to the Department Monitor a copy of the evaluator's curriculum vitae, and copies of professional licenses and certifications held.
 - ii. The evaluator must be a licensed doctorate-level psychologist who is certified in a relevant field of practice by the American Board of Professional Psychology or a licensed psychiatrist who is certified in a relevant field of practice by the American Board of Psychiatry and Neurology. At the discretion of the Board's designee, additional experience in a relevant field of practice may be substituted for Board certification. At the discretion of the Board's designee, alternate Board recognitions, such as fellowships, may also be substituted for Board certification.
 - iii. The evaluator must have had no previous personal or professional relationship with Respondent, and may not have previously evaluated or treated Respondent.

- iv. The evaluator shall have had a minimum of ten years of experience in the practice of psychology or psychiatry, and may not have been previously disciplined by any credentialing authority.
- c. While the evaluator remains responsible for the final evaluation, the evaluator may delegate testing or other components of the evaluation to other mental health professionals who the evaluator deems competent to conduct those tests or perform the delegated task.
- d. The exact tests chosen for administration are within the discretion of the evaluator. However, the evaluation must include a comprehensive interview of the individual and the use of rating scales, neuropsychological testing, and personality tests.¹
- e. The evaluation shall include an assessment of Respondent's ability to understand and maintain appropriate professional boundaries with her clients.
- f. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results shall be submitted to the Department Monitor.
- g. The evaluator shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice psychology with reasonable skill and safety.
- h. The evaluator shall identify specific mental health treatment goals, if any, which must be met before Respondent is able to practice psychology with reasonable skill and safety.
- i. The evaluator's opinions and conclusions must be rendered to a degree of reasonable professional certainty.
- j. Prior to the evaluation, Respondent shall provide the evaluator with a copy of this Order.

¹ Commonly used tests include the Beck Anxiety Inventory, Beck Depression Inventory-II, Brief Psychiatric Rating Scale (BPRS), Bums Anxiety Inventory, Bums Depression Inventory, Hamilton Anxiety Rating Scale, Hamilton Depression Rating Scale, Inventory to Diagnose Depression, Profile of Mood States (POMS), State-Trait Anxiety Inventory (STAI), Symptom Checklist-90-Revised, Taylor Manifest Anxiety Scale, Yale-Brown Obsessive-Compulsive Scale, Kaufman Adolescent and Adult Intelligence Test, Rorschach, Wechsler Adult Intelligence Scale-III or IV (WAIS-III or WAIS-IV), Wechsler Memory Scale IV (WMS-IV), Category Test, Continuous Performance Test, Halstead-Reitan Neuropsychological Test Battery, MMPI2, NEO Personality Inventory, PAI, and the Thematic Apperception Test.

- k. Respondent shall authorize release directly to the evaluator of records of mental health evaluations, diagnosis, treatment and treatment summaries that Respondent has undergone since January 27, 2015, and such other records that the evaluator determines are necessary to a competent evaluation.
- l. Respondent is responsible for the costs associated with the evaluation.
- m. Respondent shall authorize the evaluator to discuss the results of the evaluation with the Board or its designee.
- n. If the Board determines that Respondent is fit to practice, the Board may nonetheless limit Respondent's license 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:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.
 - ii. Additional professional education in any identified areas of deficiency.
 - iii. 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.
- o. If the Board determines that Respondent is not fit to practice, the Board may have grounds pursuant to Wis. Admin. Code § Psy 5.01(11) to seek additional discipline, including suspension or revocation, if Respondent practices or attempts to practice while she has a mental impairment which is reasonably related to her ability to adequately undertake the practice of psychology in a manner consistent with the safety of client or public. In the alternative, the Board may limit Respondent's license 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:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
 - ii. Additional professional education in any identified areas of deficiency.

- iii. 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.

5. The license to practice psychology in the State of Wisconsin issued to Sandra K. Johnston, Ph.D., (license no. 3184-57) is further LIMITED as follows:

- a. Within one (1) year from the date of this Order and prior to engaging in the practice of psychology, Respondent shall engage the services of a professional mentor who is licensed to practice psychology in the state of Wisconsin, and who has not been disciplined by the Board.
- b. Within one (1) year from the date of this Order and prior to engaging in the practice of psychology, Respondent shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae and a letter from the mentor confirming that he or she has read this Final Decision and Order and agrees to undertake the duties of a professional mentor as set out in this paragraph.
- c. The professional mentor shall be actively engaged in the practice of psychology and shall not have any personal or professional relationship, past or present, with Respondent that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department.
- d. The Board's designee has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Board's designee may, for good cause, approve or direct a change in the professional mentor at any time.
- e. Every month, for a period of 24 months, the mentor shall visit and inspect Respondent's psychology practice for the purpose of determining whether Respondent is maintaining appropriate professional boundaries and otherwise complying with any limitations imposed by the Board.
- f. During the monthly visit, the mentor shall randomly select and review the charts of at least 3 patients that have presented to Respondent in the preceding month. The chart review shall thoroughly assess whether Respondent's records are compliant with the rules and regulations of the profession and completed in a timely manner. Records shall be assessed at the standard of minimum competence.
- g. The professional mentor shall offer feedback and direction to Respondent for the purposes of assisting Respondent in improving the quality of care provided to patients and maintaining appropriate and ethical professional

boundaries. Respondent shall follow the appropriate guidance of the mentoring psychologist/psychiatrist. Whether or not guidance of the mentor is appropriate and whether or not Respondent has complied with the guidance shall be in the sole discretion of the Board's designee. These discretionary determinations are not reviewable.

- h. The mentor shall submit written and thorough quarterly reports identifying the number of charts reviewed in the previous quarter and identifying any concern with Respondent's practice. It is Respondent's responsibility to ensure the quarterly reports are submitted when due.
- i. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.
- j. After the timely submission of eight (8) consecutive quarterly mentor reports, and with a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board or its designee for modification or termination of any part of this limitation. Whether to modify the terms of this Limitation is in the sole discretion of the Board or its designee and is not reviewable.
- k. Respondent is responsible for any and all costs associated with the services of the professional mentor.

6. The license to practice psychology in the State of Wisconsin issued to Sandra K. Johnston, Ph.D., (license no. 3184-57) is further LIMITED as follows:

- a. Respondent shall not provide psychological services to any person under the supervision of the Wisconsin Department of Corrections or to any person in an inpatient treatment setting, including but not limited to, interviewing, counseling, psychotherapy, psychoanalysis, biofeedback, treatment of alcohol or other substance abuse, disorders of habit and conduct.
- b. Respondent shall provide a copy of this Order to all employers at places in which Respondent engages in the practice of psychology.
- c. The limitations in paragraphs 6a and 6b are permanent.

7. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,332.00.

8. Any requests, documents and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

9. 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 for a violation of any of the terms of this Order. In the event Respondent fails to timely obtain a fitness to practice evaluation, fails to timely submit the evaluator's written report, fails to provide releases of information, fails to authorize the evaluator to discuss the results of the evaluation with the Board of its designee, fails to timely obtain a professional mentor, fails to comply with the mentor's recommendations, fails to timely submit quarterly reports, provides psychological services to persons supervised by the Wisconsin Department of Corrections and/or persons in an inpatient setting, fails to provide a copy of this Order to all employers in which Respondent engages in the practice of psychology, or fails to timely submit payment of the costs as ordered, Respondent's license (no. 3184-57) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has obtained a fitness to practice evaluation, submitted the evaluator's written report, provided releases of information, authorized the evaluator to discuss the results of the evaluation, obtained a professional mentor, complied with the mentor's recommendations, submitted quarterly reports, ceases treating persons supervised by the Wisconsin Department of Corrections and/or persons in an inpatient setting and complied with payment of the costs.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by: 
A Member of the Board

8.25.2016
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SANDRA K. JOHNSTON, PH.D.,
RESPONDENT.

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:
:
:
:

STIPULATION

0004891

Division of Legal Services and Compliance Case No. 15 PSY 036

Respondent Sandra K. Johnston, 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.

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.

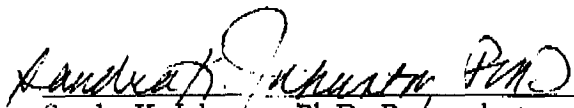
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Sandra K. Johnston, Ph.D., Respondent
2022 Windsor Ct.
Plover, WI 54467
License no. 3184-57

8/12/2016
Date



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

8/12/2016
Date