

## 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 DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
GERALD M. ROHERTY, PH.D., :  
RESPONDENT. :

**0005244**

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Division of Legal Services and Compliance Case No. 15 PSY 005

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

Gerald M. Roherty, Ph.D.  
611 North St.  
West Bend, WI 53090

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 Gerald M. Roherty, Ph.D., DOB August 14, 1965, is licensed in the state of Wisconsin to practice psychology, having license number 2435-57, first issued on February 13, 2003 and current through September 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 611 North Street, West Bend, Wisconsin 53090.

2. At all times relevant to this matter Respondent was employed as a lecturer at University A and as a psychotherapist in private practice.

3. Patient A was a twenty-year-old female student at University A. Beginning in March 2014, Respondent began providing treatment to Patient A while Patient A was a student in Respondent's class.

4. Respondent continued to provide treatment to Patient A until January 2015.

5. While he provided treatment to Patient A, Respondent exchanged text messages with Patient A that were outside the scope of professional psychotherapy, including a valentine text, arrangements for Patient A to watch his beagle, photographs of the beagle, and references to marijuana, which Respondent says he intended to be a joke. There is no allegation that Respondent in fact uses marijuana.

6. Respondent maintained that Patient A's family acted in bad faith when they reported his relationship with Patient A to University A's administration.

7. 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, Gerald M. Roherty, Ph.D., violated Wis. Admin. Code § PSY 5.01(17).

3. As a result of the violation, Gerald M. Roherty, Ph.D., is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Gerald M. Roherty, Ph.D., is REPRIMANDED.

3. The license to practice psychology in the state of Wisconsin issued to Gerald M. Roherty, Ph.D., (license number 2435-57) is LIMITED as follows:

- a. Within one hundred twenty (120) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of dual relationships and how to identify them; six (6) hours of education on the topic of boundaries maintenance and duties on loss of or destruction of boundaries offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Gerald M. Roherty, Ph.D., shall pay COSTS of this matter in the amount of \$1,309.00.

5. Request 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 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](mailto:DSPSMonitoring@wisconsin.gov)

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 2435-57) to practice psychology in the state of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by:   
 A Member of the Board

3.29.2017  
 Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

GERALD M. ROHERTY, PH.D.,  
RESPONDENT.

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:  
:  
:  
:

STIPULATION

**0005244**

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Division of Legal Services and Compliance Case No. 15 PSY 005

Respondent Gerald M. Roherty, 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 attorney Robert Lightfoot.

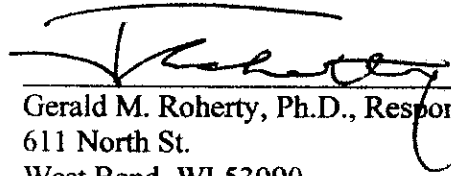
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Psychology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 or Respondent's attorney, 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.

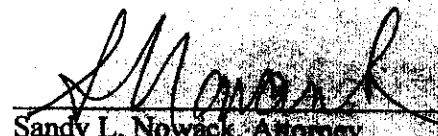
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Gerald M. Roherty, Ph.D., Respondent  
611 North St.  
West Bend, WI 53090  
License no. 2435-57

12/15/16  
Date

Robert Lightfoot, Attorney for Respondent  
Reinhart, Boerner, Van Deuren, SC  
22 E. Mifflin St., Ste. 600  
Madison, WI 53703

Date

  
Sandy L. Nowack, Attorney  
State Bar No. 1025643  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
Tel. (608) 261-1000  
Fax (608) 261-1000  
sandra.nowack@wisconsin.gov

12/16/12  
Date