

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION
INVOLVING

MARGARET KASIMATIS, Ph.D.,
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

0005638

Division of Legal Services and Compliance Case No. 17 UNL 206

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

Margaret Kasimatis, Ph.D.
W332 N5976 Cedar Bay Drive
Nashotah, WI 53058

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Margaret Kasimatis, Ph.D., (DOB May 18, 1957) was previously licensed to practice psychology in the state of Wisconsin (1487-57) which was issued on October 24, 1989, and expired on September 30, 2009.
2. On October 17, 2017, Respondent self-reported to the Department that she inadvertently allowed the license to lapse because of miscommunication with her husband.

3. Between 2009 and 2016, Respondent was employed on faculty at an accredited university. She practiced solely within the confines of the institution and performed only duties for which she was employed. She did not take clients for remuneration beyond her salary from the university.

4. Between approximately 2016, and September 2017, Respondent held herself out as a licensed psychologist when she took a position as a Clinical Associate Professor of Health and Medicine, which required her to be licensed as a psychologist.

5. Between approximately 2016 and September 2017, Respondent provided supervision to graduate students during their externships, which required her to be fully and currently licensed.

6. Respondent has provided proof of continuing education she completed between 2016 and 2017. She has further provided proof that she maintained liability insurance during the relevant periods.

7. Respondent accepts responsibility for her lapse and has agreed to resolve this matter through stipulation.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 455.01(5), the practice of psychology is defined as follows:

“Practice of psychology” means rendering to any person for a fee a psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing, counseling, psychotherapy, psychoanalysis and biofeedback; and the methods and procedures of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation. The application of these principles and methods includes, but is not restricted to, all of the following:

(a) Psychological diagnosis, prevention and treatment of problems in behavioral, vocational, educational, emotional, sexual, neuropsychological and mental disorders.

(b) Treatment for alcohol and other substance abuse, disorders of habit and conduct, and the psychological and behavioral aspects of physical illness, accident or other disabilities.

(c) Any other activity authorized by statute or by rules promulgated by the examining board.

3. Pursuant to Wis. Stat. § 455.02(1m), a license is required to engage in the practice of psychology in the state of Wisconsin.

4. Wisconsin Stat. § 455.02(2m)d. creates an exception to the licensing requirement for persons employed as a psychologist by an accredited university if the party practices solely within the confines of the institution and provides duties solely for which the party has been employed.

5. Pursuant to Wis. Stat. § 455.02(3m), a license is required to use the title of psychologist in the state of Wisconsin.

6. Between approximately 2016 and September 2017, Respondent engaged in conduct, as described in the Findings of Fact above, which constitutes the unlicensed practice of psychology, contrary to Wis. Stat. § 455.02(1m).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice psychology by the Wisconsin Psychology Examining Board, Respondent is enjoined and prohibited from the practice of psychology in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. Unless and until Respondent is properly licensed to practice psychology by the Wisconsin Psychology Examining Board, Respondent is enjoined and prohibited from representing herself as so licensed. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 14th day of February, 2018.

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :

0005638

MARGARET KASIMATIS, PH.D., :
RESPONDENT. :

STIPULATION

Division of Legal Services and Compliance Case No. 17 UNL 206

Respondent Margaret Kasimatis, 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 Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

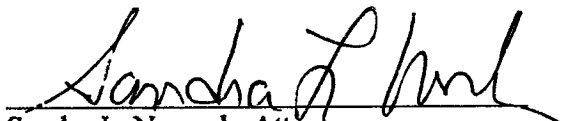
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction 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 that the Department adopt this Stipulation and issue the attached Administrative Injunction.


Margaret Kasimatis, Respondent
W332 N5976 Cedar Bay Drive
Nashotah, WI 53058

2-2-2018
Date


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2/5/18
Date