

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
DEREK J. JOHN, PH.D., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
: **ORDER 0006154**

Division of Legal Services and Compliance Case No. 17 PSY 001

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

Derek J. John, Ph.D.
5510 Arbor Court
Wausau, WI 54401

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. Licensee Derek J. John, Ph.D., (D.O.B. January 27, 1967) is licensed in the state of Wisconsin to practice psychology, having license number 2306-57, first issued on March 14, 2001, and current through September 30, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5510 Arbor Court, Wausau, Wisconsin 54401.

2. At all times relevant to this proceeding, Licensee was employed as a licensed psychologist with the Department of Juvenile Corrections located in Irma, Wisconsin.

3. On October 28, 2016, and November 3, 2016, Respondent received a referral to see Youth A. On November 16, 2016, a file review was completed, and it was discovered that Respondent had not yet visited with Youth A despite a written three (3)-day response policy.

4. On November 28, 2016, Respondent was placed on paid administrative leave.

5. On December 14, 2016, during a special site visit, the American Psychological Association (A.P.A.) found irregularities in previous intern evaluations written by Respondent while he was the interns' supervisor.

6. Respondent stated these issues were due to staffing shortages and a high rate of staff turnover. Upon assuming increased duties, Respondent stated that he was assured extra scheduled time and other assistance that was never provided.

7. Respondent's employment was terminated on December 27, 2016.

8. While the matter was pending, Licensee completed six (6) hours of education on the topic of psychology documentation and one (1) hour of education on managing people and processes.

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).

ORDER

1. The attached Stipulation is accepted.

2. The Wisconsin Psychology Examining Board accepts the continuing education Licensee Derek J. John, Ph.D., has already completed as satisfying the education the Board would have otherwise ordered.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by: Don Schroeder
A Member of the Board

10/3/2019
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEREK J. JOHN, PSY. D.,
LICENSEE.

STIPULATION

ORDER 0006154

Division of Legal Services and Compliance Case No. 17 PSY 001

Licensee, Derek J. John, 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. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Licensee, 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 Licensee;
 - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
 - the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Mario Mendoza.
4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Psychology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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.

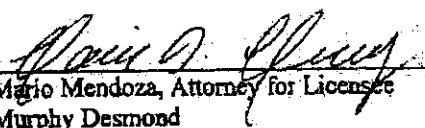
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or Licensee's 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

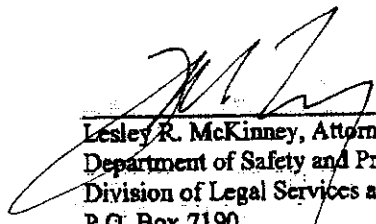
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Derek J. John, Psy. D., Licensee
5510 Arbor Court
Wausau, WI 54401
License no. 2306-57

2-19-19
Date


Mario Mendoza, Attorney for Licensee
Murphy Desmond
33 E. Main St., Ste. 500
Madison, WI 53701-2038

3-19-19
Date


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

3/22/19
Date