

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
CRAIG A. MODELL, PH.D., :
RESPONDENT. :
 : 0005744

Division of Legal Services and Compliance Case No. 16 PSY 020

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

Craig A. Modell, Ph.D.
10201 W. Lincoln Ave., Ste. 308
West Allis, WI 53227-1542

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

On August 25, 2016, this matter was opened for investigation. On November 16, 2017, the Division filed a formal complaint and notice of hearing. The matter is currently scheduled for hearing on April 23 and 24, 2018. 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 Craig A. Modell, Ph.D., (DOB August 18, 1949) is licensed in the State of Wisconsin as a psychologist, having license number 696-57, first granted on April 14, 1978, and current through September 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10201 West Lincoln Avenue, Suite 308, West Allis, Wisconsin 53227-1542.

2. At all times relevant to this proceeding, Respondent was employed as a psychologist at a clinic located in Waukesha, Wisconsin.

3. Between March 30, 2012, and May 2015, Respondent provided treatment to Patient A. Patient A sought treatment as a result of an automobile accident that occurred on October 11, 2011.

4. At the time of treatment, Patient A had a civil lawsuit pending for issues related to the automobile accident.

5. During a therapy session in June 2013, Patient A informed Respondent that he did not have money to pay his rent and would lose his apartment.

6. After two sessions of observing Patient A worry about his financial situation, on approximately June 10, 2013, Respondent loaned \$1,000.00 to Patient A. Respondent informed Patient A that the money was a loan and Patient A could pay him back when Patient A received the settlement from his lawsuit. The loan was not documented in the patient health care record.

7. During the therapy sessions, it became clear that Patient A was focused on his lawsuit and potential settlement. Respondent allegedly agreed to tailor his treatment notes in a way that would benefit Patient A in the lawsuit, and allegedly instructed Patient A on how to testify at deposition and trial regarding relaxation techniques.

8. On April 16, 2015, during a therapy session, Respondent instructed Patient A to “write up a little I.O.U. that [Patient A] will pay [Respondent] back the thousand dollars.” Patient A drafted an I.O.U. that contained provisions providing for: repayment of the loan; repayment of a \$14,000.00 outstanding bill for treatment; Patient A’s agreement that his attorney would not negotiate a lesser amount for the outstanding bill for treatment; and a bonus to Respondent for advice and understanding he provided during the litigation.

9. Respondent signed the I.O.U., but maintains that, rather than reading it himself, he had Patient A read it to him. He asserts that he was unaware of some of the provisions, including the provision for a bonus beyond what he was due for therapy services and repayment of the loan.

10. Respondent denies that he engaged in any conduct that would have caused him to personally benefit from Patient A’s lawsuit. He explains that he loaned the money to Patient A in an act of compassion and recognizes that doing so created a dual relationship.

11. Respondent has elected to retire from the practice of psychology. His decision to retire at this time should not be interpreted as an indication that he engaged in unprofessional conduct.

12. These allegations remain unproven in a contested hearing.

13. In resolution of this matter, to avoid the costs and uncertainty associated with litigation, 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, Craig A. Modell, Ph.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Psy 5.01(17), by failing to avoid prohibited dual relationships.
3. As a result of the above violation, Craig A. Modell, Ph.D., is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY and PERMANENT SURRENDER of the license to practice psychology in the state of Wisconsin issued to Craig A. Modell, Ph.D., (license number 696-57) is hereby accepted.
3. Respondent is on notice that effective the date of this Order, he may not engage in the practice of psychology in the state of Wisconsin, nor may he hold himself out as one so licensed or otherwise authorized to practice psychology in this state.
4. Respondent may never petition the Board for reinstatement of his license to engage in the practice of psychology in the state of Wisconsin.
5. Should Respondent ever petition for reinstatement of his license to practice psychology in the state of Wisconsin, the Board may summarily reject the petition without providing further reason. The decision to summarily reject the petition lies within the sole purview of the Board and is not reviewable.
6. This Order is effective on the date of its signing.

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by: 
A Member of the Board

05.08.2018
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
CRAIG A. MODELL, PH.D., : STIPULATION
RESPONDENT. :

0005743

Division of Legal Services and Compliance Case No. 16.PSY 020

Respondent Craig A. Modell, 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 Scott Hammer.

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.

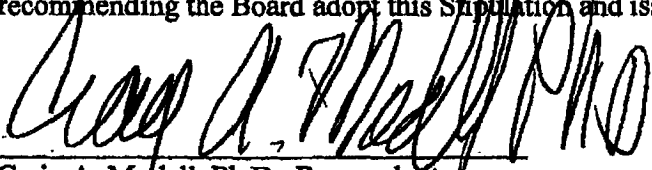
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

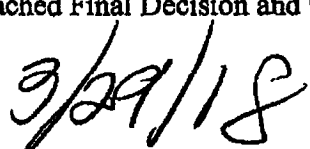
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent knows, understands and agrees that he may never petition the Wisconsin Examining Board for reinstatement of his license to practice psychology in the state of Wisconsin, including that he may not engage in the practice of psychology, whether paid or unpaid, in any government or military facility for which licensure is not required.

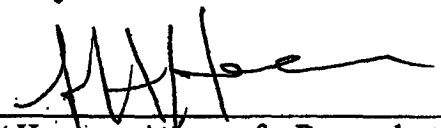
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



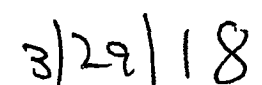
Craig A. Modell, Ph.D., Respondent
10201 W. Lincoln Ave., Ste. 308
West Allis, WI 53227-1542
License no. 696-57




Date

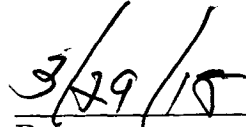



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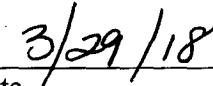


Date


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Date


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Date