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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

: LS0209251MED

HERBERT M. ALLEN, M.D., :

RESPONDENT. :

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Herbert M. Allen, M.D.

1531 S. Madison St.

Appleton, WI 54915

Wisconsin Medical Examining Board

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter subject to the approval of the Medical Examining 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

1. Herbert M. Allen, M.D., Respondent, date of birth October 29, 1944, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 18930, which was first granted July 11, 1974.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1531 S. Madison St., Appleton, WI 54915.

3. Respondent specializes in the practice of psychiatry.

4. Respondent began providing psychiatric services to Ms. A on September 27, 1983, when she was 31 years of age. Ms. A was initially referred to Respondent because of anxiety. Respondent noted a history of mixed panic, depressive and obsessive symptoms. Respondent's initial diagnostic impression was panic disorder and alcoholism. Respondent continued to treat Ms. A through November 1991.

5. Respondent continued providing individual psychotherapy to Ms. A. On December 1, 1983, Respondent made his first note regarding the possibility that Ms. A had multiple personality disorder (MPD): "We also need to keep in mind the possibility of multiple personality . . ."

6. At a session on February 21, 1985:

a. Ms. A reported a strong emotional reaction when asked by a priest whether she had ever been sexually abused. Ms. A did not report any actual memory of having been sexually abused.

b. Respondent asked Ms. A screening questions for MPD and received positive answers in two areas. Ms. A indicated she had time lapses throughout her life.

c. Respondent told Ms. A that he needed to perform an interview under hypnosis to determine the extent of her dissociative disorder. He told her there was a mild to moderate possibility that she had MPD. He provided her with materials about MPD, including a tape.

d. Respondent's note of that day indicates the following exchange with Ms. A's spouse, who was present: "He said he'd also heard that hypnosis could bring out fabricated memories and I told him that was true, but the diagnosis of MPD was not likely to be fabricated by anybody who wasn't in serious legal trouble."

7. Respondent hypnotized Ms. A on March 6, 1985. His records indicate that he "found MPD." He noted 5 separate personalities in addition to Ms. A herself. The note includes: "[Ms. A] asked at the end if it was possible to fake MPD because she felt she was faking some of the others during the interview today."

8. On March 11, 1985, at the next session, Respondent reported that 4 more personalities came out. At the following session on March 18, 1985, some of the personalities, or alters, remembered Ms. A's grandfather and father sexually assaulting her when she was a young child. Near the end of March, Ms. A called her parents and aunts and told them that her grandfather had sexually abused her as a child.

9. Ms. A continued to see Respondent regularly and Respondent's notes of every session reflect what the alters were remembering and saying. Childhood sexual abuse was mentioned in most of the sessions. The following occurred in sessions:

a. By May 25, 1985, Ms. A was reporting in sessions that while she was a young child she had been sexually abused by a group of people including her mother, father, grandfather, uncle and male cousin.

b. On June 17, 1985, Ms. A reported the group of sexual abusers to be father, mother, grandfather, grandmother, uncle, cousin and some other women.

c. On August 8, 1985, Ms. A reported to Respondent that during the abuse, her grandfather "was

wearing horns and looked like the devil."

d. Following the October 28, 1985 session, Respondent wrote: "There's obviously transference and countertransference problems here, but I also wonder about other things. In the 8/15/85 session, it was mentioned that grandpa was wearing horns, and I've never followed up on that."

e. Respondent's note of November 11, 1985 includes: "I pulled some loose threads today. I asked about the early August memory of Bill [one of the alters] with Grandpa wearing horns and said why I was concerned about that. They said it didn't represent anything ongoing – just one of the costumes he put on, like dressing up like an indian."

10. Respondent hospitalized Ms. A from January 31 to February 2, 1986 because of "an upsurge of intense anxiety with depressed mood." He reported that during the hospitalization, there appeared to be a breakthrough with an expression of anger against the people who abused her in her childhood. Respondent re-hospitalized Ms. A from February 8 through February 22, 1986.

11. On April 23, 1986, Ms. A's spouse told Respondent that they were planning to bring a lawsuit against Ms. A's parents and were going to talk to a lawyer about it. On May 2, 1986, Respondent recommended that they read "Forgive and Forget."

12. During a session on June 11, 1986, Ms. A described being sexually abused by a group of people in gowns with masks on while a rabbit was killed and its blood was sprinkled on her.

13. During November 1991, Respondent performed four sodium amytal interviews of Ms. A. In one, Ms. A told of participating as a member of a cult in the death of two babies she had while in her teens. During another of the interviews, Ms. A said she was programmed by her grandparents to kill members of the cult who tried to escape. Respondent noted that he thought he had "reached and 'turned' those personalities that had been programmed in her childhood into functioning as internal persecutors."

14. During the time Respondent provided treatment to Ms. A, her condition worsened. She threatened suicide on many occasions and had many inpatient psychiatric hospitalizations.

15. In December 1991, Respondent referred Ms. A to the Brookhaven Psychiatric Pavilion in Dallas, Texas, a MPD specialty unit for treatment of her MPD. Ms. A had recently begun attempting suicide.

16. In March 1993, Ms. A returned to Wisconsin from Texas and asked if Respondent would provide her with treatment. At that time, Respondent's case load was too heavy for him to provide Ms. A with treatment.

17. Mental health care professionals who subsequently treated Ms. A concluded that Ms. A had never suffered from MPD and that depression was the correct diagnosis for Ms. A's condition.

18. Ms. A no longer believes that she was the victim of childhood sexual abuse by her relatives, had been involved in a cult or had been the victim of ritualistic abuse. There is not now, and never was, any independent evidence to support any of those beliefs which Ms. A held while receiving treatment from Respondent.

19. In 1995, Ms. A commenced a medical malpractice action against Respondent, which was settled in 1997.

20. Prior to the time Ms. A commenced her action against Respondent, Respondent had voluntarily changed his practice regarding patients who may have suffered from MPD. As of the present Respondent:

a. Has not taken on any new patients with DID/MPD diagnosis for approximately 12 years.

b. Does not intend to take on any new patients with the diagnosis.

c. Has not done a sodium amytal interview for 11 years.

d. Does not do hypnotism with patients with the diagnosis.

e. Has 2 old patients with the diagnosis who he sees for supportive psychotherapy.

f. Provides medication management to 6 patients with the diagnosis, all of whom receive psychotherapy from other clinicians and all but one of whom were diagnosed by other clinicians.

g. Has not treated more than one DID/MPD as an inpatient at one time in 10 years.

h. Has not made diagnoses of "multi-generational satanic abuse in childhood" or "ritualistic/cult sexual abuse" in 13 years.

21. Neither the Board nor the Division of Enforcement has ever received any other complaint against Respondent during the 24 years he has been licensed in Wisconsin.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to

§ 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, having been negligent in treating a patient, as described above, is subject to discipline pursuant to § 448.02(3)(c), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Respondent, Herbert M. Allen, M.D., is hereby REPRIMANDED for the above conduct.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 25th day of September, 2002.

Virginia S. Heinemann

Secretary

Medical Examining Board