

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
DEANNE MARIE WEILER, L.P.C., : LS0701308CPC  
RESPONDENT. :

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[Division of Enforcement Case # 03 CPC 016]

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

Deanne Marie Weiler, L.P.C.  
405 Forest Street, Suite 102  
P.O. Box 457  
Oconomowoc, WI 53066

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Professional Counselor Section  
Wisconsin Marriage and Family Therapy,  
Professional Counseling, and Social Work Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
PO Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Professional Counselor Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Deanne Marie Weiler, L.P.C., Respondent, date of birth March 13, 1962, is licensed by the Professional Counselor Section as a professional counselor in the State of Wisconsin pursuant to certificate number 1736, which was first granted March 3, 1995. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.)

2. Respondent's last address reported to the Department of Regulation and Licensing is 405 Forest Street, Suite 102, P.O. Box 457, Oconomowoc, WI 53066.

3. During the events of this matter, Respondent practiced as a professional counselor at Cornerstone Counseling Services (Cornerstone) in Waukesha, Wisconsin. Respondent stopped practicing at Cornerstone on December 31, 2003.

COUNT I

4. Mr. A and Ms. B, the parents of Child 1 and Child 2, were divorced in 1998. They were granted joint legal custody and Ms. B had primary physical placement of the children. At the request of Ms. B, Respondent provided treatment to each of the children at Cornerstone, during 2002 and 2003.

a. Billing records show that Respondent provided Child 1 with an initial evaluation session and 51 sessions of psychotherapy, from November 19, 2002 to December 31, 2003. Clinical records show that Respondent failed to make clinical progress notes for 30 of the 51 psychotherapy sessions with Child 1.

b. Billing records show that Respondent provided Child 2 with an initial evaluation session and 14 sessions of psychotherapy, from April 30, 2003 to December 31, 2003. Clinical records show that Respondent failed to make clinical progress notes for 9 of the 14 psychotherapy sessions with Child 2.

c. Three of Child 1's sessions were billed as family therapy and 2 were billed as family therapy without patient. One of Child 2's sessions were billed as family therapy without patient. Respondent contends that the family sessions may have been noted in the records of the mother, Ms. B. The Division does not have access to those records.

5. Cornerstone is a State certified outpatient psychotherapy clinic. Wis. Adm. Code § HFS 61.97(13), which applies to such clinics, requires that the therapist write progress notes in the client's clinical record, which contain status and activity information about the patient that relates to the treatment plan.

6. By not writing progress notes for a substantial number of sessions with Child 1 and Child 2, Respondent failed to maintain adequate records relating to the services she provided them.

## COUNT II

7. Mr. A was granted joint custody of the children by the 1998 judgment of divorce. As a result, Wis. Stat. § 51.30(5) provided Mr. A with the legal right to access to the treatment records of Child 1 and Child 2. Respondent had a copy of the judgement of divorce. In addition, the judgment of divorce specified that each parent had access to the children's treatment records. Neither the law nor the judgment of divorce prohibited Mr. A from having access unless Ms. B consented to the release of the children's records to him.

8. In February 2003, Mr. A sent a letter to Respondent requesting complete copies of his children's treatment records. The letter noted that he was entitled to the records pursuant to the judgment of divorce. In March of 2003, a motion was filed to modify custody and physical placement and a custody study was ordered. On April 14 2003, Mr. A again wrote to Respondent and requested his children's treatment records. Respondent did not provide Mr. A with the records and did not provide Mr. A with any reason for not providing him with the records.

9. On October 6, 2003, Mr. A's attorney sent a letter and subpoena duces tecum to Respondent requiring her to produce the records within 7 days. Respondent did not comply with the subpoena. On October 28, 2003, during a status conference with the judge in the custody proceedings, Respondent provided Mr. A's attorney with copies of a portion of the children's treatment records and said that was all she was allowed to release. The Court then ordered Respondent to provide Mr. A with copies of the complete records for each of Mr. A's children by October 31, 2003. Respondent returned to her office and copied additional records and provided them to Mr. A's attorney.

10. Respondent has informed the Division of Enforcement that she could not provide the records to Mr. A until Ms. B signed consents to release that information to Mr. A. That position is contrary to the law and the language of the judgment of divorce, which was in Respondent's possession.

## CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to make adequate records relating to the services provided to clients in the course of a professional relationship, violated Wis. Adm. Code § SFC 20.02(18), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

3. Respondent, by failing to release treatment records to Mr. A as required by Wis. Stat. § 50.30(5), has violated the law the circumstances of which substantially relate to practice, which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Deanne Marie Weiler, L.P.C., is REPRIMANDED for the conduct set out above.

2. Within 6 months of the date of this Order, Respondent shall take and complete 3 hours of continuing education on the subject of ethics, which shall include a component on record keeping. The course or courses shall first be approved by the Section, or its designee. These credits shall be in addition to the continuing education required for renewal of licensure for the following biennium, by Wis. Adm. Code § MPSW 14.03, and shall not be applied toward meeting that requirement.

3. If Respondent is unable to complete the continuing education described in the preceding paragraph within 6 months of the date of this Order, Respondent shall, within that period of time, petition the Section, or its designee, for a reasonable extension of time within which to take and complete such continuing education. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Section or its designee.

4. Respondent shall provide proof sufficient to the Section of Respondent's satisfactory completion of the continuing education within 30 days of completion.

5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$645.00, pursuant to Wis. Stat. § 440.22(2).

6. All payments, requests and evidence of completion of the education required by this Order shall be mailed, faxed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

7. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

8. This Order is effective on the date it is signed.

Professional Counselor Section  
Wisconsin Marriage and Family Therapy,  
Professional Counseling and Social Work Examining Board

By: Evelyn Pumphrey  
A Member of the Section

1/30/07  
Date

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
DEANNE MARIE WEILER, L.P.C., : LS \_\_\_\_\_ CPC  
RESPONDENT. :

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[Division of Enforcement Case # 03 CPC 016]

It is hereby stipulated and agreed, by and between Deanne Marie Weiler, L.P.C., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 03 CPC 016). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided the opportunity to obtain advice of legal counsel prior to signing this Stipulation

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Section. 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 Section's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section 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 Enforcement and any member of the Section ever assigned as a case advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

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

8. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

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Deanne Marie Weiler, L.P.C.  
Respondent  
405 Forest Street, Suite 102  
P.O. Box 457  
Oconomowoc, WI 53066

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Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date