

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
GENE R. HUGHES, L.P.C., : LS0707311CPC
RESPONDENT. :

[Division of Enforcement Case # 05 CPC 021]

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

Gene R. Hughes, L.P.C.
5528 N. 52nd Street
Milwaukee, WI 53218

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. Gene R. Hughes, L.P.C., Respondent, date of birth March 6, 1946, is licensed by the Professional Counselor Section as a professional counselor in the State of Wisconsin pursuant to license number 222, which was first granted June 30, 1993. (Prior to a statutory change effective November 1, 2002, Respondent's credential was a certificate as a professional counselor.)

2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(f) and, for this reason, did not take the examination otherwise required for certification.

3. Respondent's last address reported to the Department of Regulation and Licensing is 5528 N. 52nd Street, Milwaukee, WI 53218.

4. During the events of this matter, Respondent was the Program Coordinator/Case Manager for Family Faith Group Home (FFGH), a licensed community-based residential facility (CBRF) in Milwaukee, Wisconsin.

5. Ms. A (DOB 12/15/86) was a resident at FFGH. Her diagnoses included: Attention Deficit Hyperactivity Disorder (ADHD), Combined Type, Dysthymic Disorder, Disruptive Behavior Disorder NOS, R/O Psychotic Disorder NOS, and Mild Retardation. Ms. A's estimated IQ is between 53 and 64.

6. On December 8, 2005, one of the group home caregivers noted that there was an odor in Ms. A's room and told Ms. A more than once that Ms. A had to get up, take a shower and change her panties which she had been wearing for

three days. Ms. A did not get up and the caregiver told Respondent and asked for his assistance. Respondent said that he would speak with Ms. A.

7. Respondent went to Ms. A's room, knocked on the door and entered:
 - a. Ms. A was lying on her back in the bed under the covers, pretending to be asleep.
 - b. Respondent noted a strong odor when he came into the room and told Ms. A that it smelled.
 - c. Respondent leaned over the bed, pulled the covers back and told Ms. A that she needed to get up and take a shower.
 - d. When Ms. A did not immediately get out of bed, Respondent placed his face within a couple of feet of her genital area, noted an unpleasant odor and said "I wouldn't eat that" and "if [I] were an 18-year-old man like [you] want, who would want to be with [you]." Respondent admitted making those statements when he was interviewed on December 11, 2005.
 - e. Respondent says that Ms. A had previously told Respondent she would like to have a young man in her life and he made the statements to her to try to motivate her to get out of bed and take care of her personal hygiene.

8. Respondent's comments to Ms. A constituted a violation Ms. A's rights, pursuant to Wis. Adm. Code § HFS 83.21(4)(g) – Fair treatment, to be treated with courtesy, respect and full recognition of her dignity and individuality by all employees of the facility

9. Wis. Adm. Code § HFS 83.21(4)(g) is a law the circumstances of which substantially relate to practice as a professional counselor.

10. On April 27, 2006, Respondent completed the University of Wisconsin-Extension continuing education course "*Advanced Ethics & Boundaries for Social Workers: Cases of Standards & Emotions Colliding*" (4 hours).

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 engaging in the above conduct, has violated Wis. Adm. Code § HFS 83.21(4)(g), a law the circumstances of which substantially relate to practice under his credential, which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(2), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Gene R. Hughes, L.P.C., is REPRIMANDED for engaging in the conduct set out above.
2. Respondent having completed the relevant continuing education set out in Finding of Fact 10, no further education is required.
3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$550.00, pursuant to Wis. Stat. § 440.22(2).
4. 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

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and

welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. 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.

6. 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: Susan M. Putra
A Member of the Section

7/31/07
Date

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
GENE R. HUGHES, L.P.C., : LS _____ CPC
RESPONDENT. :

[Division of Enforcement Case # 05 CPC 021]

It is hereby stipulated and agreed, by and between Gene R. Hughes, L.P.C., Respondent; and John R. Zweg, 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 05 CPC 021). 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, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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 an 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, if any, 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.

Gene R. Hughes, L.P.C.
Respondent
5528 N. 52nd Street
Milwaukee, WI 53218

Date

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

Date

[05 CPC 021: Costs \$550.00]

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