

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JEFFREY K. BUIKEMA, L.M.F.T., : LS0710303MFT
RESPONDENT. :

[Division of Enforcement Case # 07 MFT 001]

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

Jeffrey K. Buikema, L.M.F.T.
P.O. Box 351
Onalaska, WI 54650

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

Marriage and Family Therapist Section
Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. 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 of this matter, subject to the approval of the Marriage and Family Therapist Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jeffrey K. Buikema, L.M.F.T., Respondent, date of birth November 9, 1955, is licensed by the Marriage and Family Therapist Section as a marriage and family therapist in the state of Wisconsin pursuant to license number 229, which was first granted April 15, 1994. (Prior to a statutory change effective November 1, 2002, Respondent's credential was a certificate as a marriage and family therapist.)

2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 351, Onalaska, WI 54650.

3. During the events of this matter, Respondent practiced as a marriage and family therapist at the Counseling Center of LaCrosse, LLC, in LaCrosse, Wisconsin.

4. Respondent first provided professional services to Ms. A during an intake session on November 8, 2006. Ms. A was referred to Respondent for therapy to address issues relating to her husband's extramarital affairs and their pending divorce. Respondent diagnosed Ms. A with adjustment disorder.

5. Respondent saw Ms. A for therapy fourteen times during the two-month period from November 8, 2006 to January 2, 2007. Toward the end of this period, Respondent started developing feelings for Ms. A. Respondent told her he had to terminate therapy with her because of those feelings and therapy was formally terminated on January 2, 2007.

Respondent referred Ms. A to another therapist, but she decided not to seek further therapy.

6. Later in the month of January 2007, Respondent and Ms. A had telephone contacts and met for non-professional purposes. By the end of February, they developed an intimate relationship, including sexual contact.

7. Respondent knew that having a sexual relationship with Ms. A within two years of the termination of professional services was in violation of the Section's rules. On May 24, 2007, Respondent reported his violation to the Section. No one had threatened to report Respondent if he did not self-report. Neither the Section nor the Division of Enforcement had any knowledge of the violation prior to receiving the self-report.

8. Respondent also voluntarily ceased practicing under his license while the investigation of his report was pending and referred his active patients to other mental health professionals. Respondent did not practice under his license during the period beginning May 9, 2007 through at least October 11, 2007, the date he agreed to accept this resolution.

9. Respondent began treatment with a psychologist on July 13, 2007 and continues to receive treatment from the psychologist.

10. At the request of the Division, Respondent agreed to a psychological evaluation by Gary R. Schoener, M.Ed., a Minneapolis psychologist with extensive experience in assessing practitioners who have become involved sexually with former clients. In his psychological evaluation dated October 9, 2007, Mr. Schoener concluded to a reasonable degree of professional certainty:

- a. Results of psychometric testing (Minnesota Multiphasic Personality Inventory-2 and Millon Clinical Multi-axial Inventory – III) were within normal limits.
- b. Respondent does not have a sexual impulse control disorder.
- c. Respondent does not appear to be a predator.
- d. Contributing factors to the violation included: intimacy difficulties in Respondent's marital relationship, overwork, failure to seek psychotherapy or counseling for his problems and failure to seek professional consultation with regard to his practice, especially regarding his work with Ms. A.
- e. Respondent does not pose a current risk in the practice of marriage and family therapy as long as:
 - 1) He is in regular psychotherapy and working on developing insight about what has happened, and in looking ahead to reconstructing his life.
 - 2) His practice is supervised, for a period of time, with a mind to reviewing both his overall work load and his treatment planning with individual clients.

11. This is the only complaint regarding Respondent's practice received by the Section or the Department during the 13 years Respondent has held a credential from the Section.

12. The Division of Enforcement has recommended the discipline in the Order, below, based in part on:

- a. Respondent's voluntary self-report of the violation to the Section.
- b. Respondent's voluntary cessation of practice until the investigative and evaluative processes could be completed.

CONCLUSIONS OF LAW

1. The Marriage and Family Therapist 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 pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct with Ms. A, as set out above, constitutes engaging in sexual contact and sexual conduct with a client within 2 years after termination of professional services as defined by Wis. Adm. Code § MPSW 20.02(11), and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The marriage and family therapist license of Jeffrey K. Buikema, L.M.F.T., Respondent, is hereby SUSPENDED retroactively from May 9, 2007 through October 11, 2007.

2. Respondent's license is LIMITED as follows:

a. Within 30 days of the date of this Order, Respondent shall commence psychotherapy with an experienced psychotherapist (Psychotherapist) who has been approved by the Board or its designee.

1) In the event that the Psychotherapist is unable or unwilling to continue as Respondent's psychotherapist, subsequent psychotherapists shall be approved by the Board or its designee.

2) Respondent shall immediately provide all psychotherapists with a copy of this Final Decision and Order.

3) Respondent shall immediately provide all psychotherapists with a copy of Schoener's October 9, 2007 evaluation of Respondent.

4) The Psychotherapist shall provide appropriate psychotherapy, including assisting Respondent to develop insight about how the violation occurred and assisting Respondent to restructure his life.

5) The schedule of psychotherapy shall be determined by the Psychotherapist after a thorough evaluation of Respondent.

6) Treatment shall continue until such time as the Psychotherapist recommends that it be ended and the Board accepts that recommendation.

7) Respondent shall provide and keep on file with the Psychotherapist current releases which permit the Psychotherapist to disclose and discuss Respondent's treatment with the Board or any member thereof. Copies of these releases shall be filed simultaneously with the Department Monitor.

8) Respondent shall provide and keep on file with the Psychotherapist a current release which permits the Psychotherapist to disclose and discuss the progress of Respondent's diagnosis and treatment with the Practice Mentor, identified below. A copy of this release shall be filed simultaneously with the Practice Mentor.

9) Respondent's Psychotherapist shall submit quarterly reports to the Board regarding Respondent's participation and progress in treatment. Submission of the reports by the Psychotherapist shall be Respondent's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.

10) Upon becoming aware that Respondent has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Respondent's Psychotherapist shall immediately submit written notification to the Board.

b. Prior to beginning practice under his license, Respondent shall begin consultation with a Practice Mentor who shall be an experienced psychotherapist who is not Respondent's Psychotherapist and who is approved by the Board or its designee.

1) In the event that a Practice Mentor is unable or unwilling to continue as Respondent's Practice Mentor, subsequent Practice Mentors shall be approved by the Board or its designee.

2) Respondent shall immediately provide all Practice Mentors with a copy of this Final Decision and Order.

3) Respondent shall immediately provide all Practice Mentors with a copy of Schoener's October 9, 2007 evaluation of Respondent.

4) The Practice Mentor shall provide consultation to Respondent regarding Respondent's overall workload and his treatment planning with clients.

- 5) The schedule of consultation shall be determined by the Practice Mentor and shall be as frequent as necessary to provide appropriate consultation.
- 6) Consultation shall continue until such time as the Practice Mentor recommends that it be ended and the Board accepts that recommendation.
- 7) The Practice Mentor shall be able to disclose and discuss Respondent's consultation with the Board or any member thereof, or with the Department Monitor.
- 8) The Practice Mentor shall be able to disclose and discuss Respondent's consultation with the Psychotherapist, identified above.
- 9) Respondent's Practice Mentor shall submit quarterly reports to the Board regarding Respondent's participation and cooperation in case consultation. Submission of the reports by the Practice Mentor shall be Respondent's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.
- 10) Upon becoming aware that Respondent has failed to cooperate with case consultation, or has otherwise violated the terms of this Order, Respondent's Practice Mentor shall immediately submit written notification to the Board.

c. If Respondent fails to cooperate with treatment or case consultation, or has otherwise violated the terms of this Order, Respondent shall immediately submit written notification to the Board.

3. Respondent may petition the Board for modification of any limitation imposed by this Order, but whether to grant the petition shall be in the Board's discretion.

4. If Respondent believes that any recommended psychotherapy or case consultation or the Board's refusal to end psychotherapy, to end case consultation or to modify any term of this Order is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The Board's decision shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$950.00, pursuant to Wis. Stat. § 440.22(2).

6. All requests, reports, notifications and payment shall be sent to:

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

7. 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, 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.

By: Arlie J. Albrecht
A Member of the Section

10/30/2007
Date

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JEFFREY K. BUIKEMA, L.M.F.T., : LS _____ MFT
RESPONDENT. :

[Division of Enforcement Case # 07 MFT 001]

It is hereby stipulated and agreed, by and between Jeffrey K. Buikema, L.M.F.T., Respondent; David D. Relles of Relles, Long & Milliken, LLP, attorneys for 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 07 MFT 001). 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 obtained 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.

Jeffrey K. Buikema, L.M.F.T.
Respondent
P.O. Box 351
Onalaska, WI 54650

Date

David D. Relles
Relles, Long & Milliken, LLP
Attorneys for Respondent
301 N. Broom Street
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Date

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Attorney for Complainant
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Date