

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JOY YERKEY, : LS0711231RSA  
RESPONDENT. :

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Division of Enforcement Case # 06 RSA 039

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

Joy Yerkey  
825 N. Westfield St. Apt. J20  
Oshkosh, WI 54902-3240

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

Department of Regulation & 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 Secretary of the Department of Regulation and Licensing. The Secretary has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Joy Yerkey (DOB 12/09/1981) was duly certified as a substance abuse counselor in the state of Wisconsin on July 27, 2006 (certificate # 130-14714). This certificate expired on February 28, 2007. Pursuant to Wis. Stat. § 440.08(3), Respondent has a right to renew her certificate upon payment of fees until February 28, 2012.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 312 Micheels Lane, Apt. 4, Menomonie, Wisconsin, 54751. Upon information and belief, her current address is 825 N. Westfield St., Apt. J20, Oshkosh, Wisconsin, 54902-3240.

3. At all relevant times, Respondent was working as an alcohol and drug counselor at L.E. Phillips – Libertas Center in Chippewa Falls.

4. Respondent gave her private telephone number to client J.I. while he was in treatment for chemical dependency at L.E. Phillips. Two days after his discharge from L.E. Phillips, J.I. contacted her. Respondent went to J.I.'s parents' home, then took J.I. out to a movie.

5. Respondent allowed her substance abuse counselor certificate to expire. However, she is currently working in a mental health field and is interested on obtaining a professional license or certificate in the future.

### CONCLUSIONS OF LAW

1. The Secretary of the Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 440.88(6), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3 - 4 above constitutes a violation of Rule 2.2 of the Counselor Code of Conduct, and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

### ORDER

IT IS ORDERED:

1. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a mental health services provider or caregiver, currently or in the future.

2. In the event that Respondent applies or re-applies for certification or licensure as a substance abuse counselor, social worker, professional counselor, marriage and family therapist, psychologist or other licensed or certified caregiver in Wisconsin, she agrees to the issuance of LIMITED credentials under the following terms:

- (a) Prior to licensure or certification, Respondent, at her own expense, shall complete six (6) hours of continuing education in professional boundaries, pre-approved by the applicable licensing authority.
- (b) Upon licensure or certification, Respondent shall practice only under the direct supervision of a licensed professional approved by the applicable licensing authority.
- (c) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders to any supervisory personnel at all settings where Respondent works under any professional license or certification, prior to employment.
- (d) Respondent shall arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, at the address listed in paragraph 3 below, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active practice worked during that quarter.
- (e) Respondent shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- (f) After two years from the date of licensure or certification, Respondent may petition the applicable licensing authority to end this limitation. If the applicable licensing authority, in its discretion, continues the limitation beyond two years, Respondent may request a hearing on the continuation of the limitation under Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the continuation of the limitation during the pendency of the hearing process.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Hundred Dollars (\$200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing

P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

4. Violation of any of the terms of any limited license or certificate provided under this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of that license or certificate. The applicable licensing authority may, in its discretion, impose alternative conditions or limitations or other additional discipline for a violation of any of the terms of this Order. No licensure or certificate will be granted unless and until costs are paid.

5. This Order is effective on the date of its signing.

Department of Regulation and Licensing

By: Celia Jackson, Secretary

11/23/07

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOY YERKEY,	:	LS# _____
RESPONDENT.	:	

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Division of Enforcement Case # 06 RSA 039

Respondent Joy Yerkey, personally on her own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 06 RSA 039). Respondent consents to the resolution of this investigation by stipulation.

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 an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Secretary of the Department of Regulation and Licensing. 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 Secretary's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary, 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 Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Secretary, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with the Secretary's deliberations on the Stipulation.

7. Respondent is informed that should the Secretary adopt this Stipulation, the Secretary'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 Secretary adopt this Stipulation and issue the attached Final Decision and Order.

Joy Yerkey  
825 N. Westfield St. Apt. J20  
Oshkosh, WI 54902-3240

Date

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Jeanette Lytle, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date