

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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARK A. WIERSCHKE, LPC	:	LS0710293CPC
RESPONDENT.	:	

Division of Enforcement Case # 05 CPC 008

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

Mark A. Wierschke, LPC
490 Wagon Drive
West Salem, WI 54669

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

Professional Counselors Section
Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
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 Professional Counselors Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board. The Section has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Mark A. Wierschke, (DOB 02/27/1964) is duly licensed as a Professional Counselor in the State of Wisconsin (license # 125-3284). This license was first granted on August 15, 2003.
2. Respondent's most recent address on file with the Professional Counselors Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is 490 Wagon Drive, West Salem, Wisconsin 54669.

3. On or about April 14, 2005, Respondent's employer reviewed his case files. Forty-one cases were missing documentation, such as case notes, assessment, diagnosis and treatment forms, client signatures, release of information forms for third party billing, and case closing documentation. Some of the missing documentation was due over two years prior.

CONCLUSIONS OF LAW

1. The Professional Counselors Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 457.26, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 3 above constitutes a violation of Wisconsin Administrative Code § MPSW 20.02(18) and subjects respondent to discipline pursuant to Wis. Stat. § 457.26(2)(g).

ORDER

IT IS ORDERED:

1. Mark A. Wierschke, LPC is REPRIMANDED.
2. Respondent's license is LIMITED as follows:
 - (a) Within six months of the date of this Order, Respondent shall provide proof of satisfactory completion of six hours of pre-approved continuing education in case management and documentation for professional counselors. Respondent is responsible for finding appropriate courses and submitting the course information to the Section for approval prior to taking the courses and in sufficient time to obtain Section approval within the six month time frame, taking into account the Section's meeting schedule. Respondent is responsible for all costs associated with these courses. These courses may not be used to satisfy any continuing education requirements of Wis. Stat. 457.22 or Wis. Admin. Code Ch. MPSW 14.
 - (b) Respondent shall provide a copy of this Order and all subsequent orders immediately to all supervisory personnel at all settings where Respondent works in any capacity as a professional counselor, relating to professional counseling, or as a caregiver of any type, currently or in the future
 - (c) Respondent shall practice only under the supervision of a licensed professional counselor or other licensed health care professional approved by the Section or its designee and only in a work setting pre-approved by the Section or its designee.
 - (d) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, including but not limited to case management and documentation, and shall include the number of hours of active professional counseling practice worked during that quarter.
 - (e) Respondent shall report to the Section any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
 - (f) Respondent may petition the Section to amend these limitations at any time after one year. Respondent must appear before the Section to support his petition if requested by the Section. The Section may deny the petition in its discretion.
3. Respondent shall, within six (6) months 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 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 limitations of paragraph 2 above, Respondent's license (# 125-3284) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

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

By: Susan Putra
A Member of the Section

10/29/2007
Date

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

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARK A. WIERSCHKE, LPC,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 05 CPC 008

Mark A. Wierschke, LPC, personally on his 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 # 05 CPC 008). Respondent consents to the resolution of this investigation by stipulation.

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 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 Professional Counselors Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board. 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 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 Professional Counselors Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of the 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 Section 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.

Mark A. Wierschke, LPC
490 Wagon Drive
West Salem, WI 54669

Date

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

Date