

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
MARK R. ANDERSON, L.P.C., : LS0704302CPC
RESPONDENT. :

[Division of Enforcement Cases # 03 CPC 020 and 04 CPC 007]

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

Mark R. Anderson, L.P.C.
106 N. Kenosha Drive
Madison, WI 53705

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

Professional Counselor 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 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. Mark R. Anderson, L.P.C., Respondent, date of birth April 5, 1962, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 3075, which was first granted August 31, 2001. (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 106 N. Kenosha Drive Madison, WI 53705.

3. Respondent was employed by the State of Wisconsin Department of Workforce Development (DWD) as Vocational Rehabilitation Counselor for the Division of Vocational Rehabilitation (DVR) in Madison, Wisconsin. Respondent's responsibilities included providing vocational rehabilitation services to persons with disabilities. Those services include vocational counseling and planning; arranging for vocational evaluation and training, and providing job placement and follow-up to job-ready clients.

COUNT I (03CPC020)

4. In addition to his employment as a DVR counselor, Respondent also was employed for compensation at Christian Counseling Services (CCS), a clinic which he operated and where Respondent provided supervised psychotherapy to clients.

5. Respondent displayed his CCS business cards in his DVR office and shared information about his Christian counseling practice with six active DVR clients. Respondent also gave one of his CCS business cards to another DVR counselor, who referred one of that counselor's active DVR clients to Respondent's private practice.

6. One of his clients, Ms. A, received vocational rehabilitation services from Respondent from July 18, 2002 until February 28, 2003. Her case was reassigned to another DVR counselor. Ms. A then expressed an interest in receiving therapy from Respondent through his private practice and Respondent subsequently provided psychotherapy services to Ms. A in his private practice, for a fee, on April 16, May 5 and July 1, 2003.

7. DVR does not directly provide psychotherapy services. However, after considering a client's ability to pay and to the extent funding is available, DVR will purchase such services for clients. Psychotherapy services may have been available to Ms. A at less or no cost to her through DVR.

8. As a result of his conduct, Respondent was suspended from his employment as a DVR counselor without pay from September 22 through October 3, 2003 for violation of DWD work rules.

COUNT II (04CPC007)

9. Respondent had been providing vocational rehabilitation services for a number of months prior to March 2004 to Ms. B, who had depression, an anxiety disorder and back pain from a physical condition. During that time, they had several telephone conversations and personal meetings and developed a good rapport. Ms. B told Respondent that she thought he was a good counselor and a great advocate for her.

10. Respondent was not providing psychotherapy to Ms. B. However, Ms. B had a break up of a long term personal relationship which she said left her devastated and they discussed her break up on several occasions. While doing so Respondent told Ms. B about his past personal relationships. He also told her about his religious beliefs and his involvement with the church. Respondent says this self-disclosure was to assist Ms. B.

11. Respondent and Ms. B had an appointment scheduled over Ms. B's lunch hour on a day in March 2004. Ms. B was seeking reimbursement from DVR for a portion of the cost of purchasing a computer and she was to bring the receipt to the meeting so the documentation could be completed. Because Ms. B forgot the receipt, nothing could be accomplished at the meeting. The following occurred at the meeting:

a. Respondent told Ms. B that she "touched his heart" and that he had feelings of attraction for her. He said that perhaps he should not be her counselor because his feelings for her were becoming stronger each time they met.

b. He told her that if she was uncomfortable with the relationship, she should ask that a different counselor be assigned. Ms. B wanted to keep Respondent as her counselor because she felt he was assisting her.

c. Respondent contends that Ms. B had said things in earlier discussions that led him to believe she may be having feelings for him. He contends that he felt he could not ask her if she had those feelings and so he told her he had the feelings as a method of determining if she had feelings for him.

d. Respondent did admit that he felt a "pull" towards Ms. B. He said that she was enthusiastic during their meetings and appeared to be receiving emotional support from him. He described his feelings for her as counter transference.

e. The meeting lasted more than one hour.

12. Following the March meeting, Ms. B called Respondent's office and complained about Respondent having told her he had feelings for her. She told his supervisors about her complaint on March 30, 2004 and again in a later e-mail. Ms. B said:

a. Respondent's telling her he had feelings for her caused her great anxiety because she could not go through another situation where someone's feelings would cause a hardship for her.

b. She never told Respondent she had personal feelings for him. She did thank him many times for listening to her and helping her with her problems.

c. She felt Respondent should have worked out his problem with his supervisors and not involved her in it.

13. Ms. B told the investigator for the Department of Regulation and Licensing, Division of Enforcement, that she believes Respondent told her about his feelings as a way of beginning a social relationship with her.

14. Respondent has provided proof to the Division of Enforcement that Respondent took and completed on June 9, 2005 "No Simple Answers: Advanced Ethics and Boundaries," a continuing education program providing 6 hours of continuing education which was sponsored by the Department of Professional Development & Applied Studies of the University of Wisconsin-Madison.

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 pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to avoid a dual relationship or relationship that may impair Respondent's objectivity or create a conflict of interest, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f). [Counts I and II]

ORDER

1. Respondent, Mark R. Anderson, L.P.C., is hereby REPRIMANDED for the conduct set out above.

2. Respondent shall complete continuing education, as follows:

a. Respondent shall take and complete after March 31, 2004, the date of the most recent conduct set out above, a total of 6 hours of continuing education on the subject of boundaries and ethics, which course(s) shall be approved by the Section, or its designee.

b. The completed course "No Simple Answers: Advanced Ethics and Boundaries," set out in Finding of Fact 14, is hereby approved and Respondent is credited with having obtained the continuing education ordered by this paragraph.

c. Respondent is prohibited from applying any of the hours completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the July 1, 2005 through June 30, 2007 registration biennium.

3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$675.00 pursuant to Wis. Stat. § 440.22(2).

4. Any requests, notices, proof or payments 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

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 of its signing.

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

By: Susan M. Putra
A Member of the Section

4/30/07
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
MARK R. ANDERSON, L.P.C., : LS _____ CPC
RESPONDENT. :

[Division of Enforcement Case # 03 CPC 020 & 04 CPC 007]

It is hereby stipulated and agreed, by and between Mark R. Anderson, 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 pending investigations of Respondent's licensure by the Division of Enforcement (files 03 CPC 020 and 04 CPC 007). 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.

Mark R. Anderson, L.P.C.
Respondent
106 N. Kenosha Drive
Madison, WI 53705

Date

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

Date