

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DEBORAH M. SPICER-YATES,	:	LS09022620RSA
RESPONDENT.	:	

Division of Enforcement Case # 07 RSA 012

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

Deborah M. Spicer-Yates
2734 N. 41st Street
Milwaukee, WI 53210

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. Deborah M. Spicer-Yates (DOB 11/01/1956) is duly certified as a Clinical Substance Abuse Counselor and as a Clinical Supervisor-In-Training in the State of Wisconsin (certificates # 132-14453 and 133-14953, respectively). The Clinical Substance Abuse Counselor certificate was first granted on April 13, 2006. The Clinical Supervisor-In-Training certificate was first granted on June 13, 2006.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 2734 N. 41st Street, Milwaukee, Wisconsin, 52210.
3. While working as a substance abuse counselor in the Wisconsin corrections system, Respondent committed the following boundary violations:
 - (a) Respondent borrowed money from an inmate.
 - (b) Respondent gave her personal cell phone number to an inmate and allowed the inmate to call her on that number.

- (c) Respondent failed to inform supervisors of a personal connection between her sister and an inmate.
- (d) Respondent came in to the facility to see an inmate on a weekend in response to a telephone call from that inmate on her personal phone, and told security that “she wasn’t there.”
- (e) Respondent shared information about her husband and boyfriend during group sessions with inmates.

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 paragraph 3 above constitutes a violation of Wisconsin Administrative Code § RL 164.01(2)(n) and (v), and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

IT IS ORDERED:

1. Deborah M. Spicer –Yates is REPRIMANDED.

2. The certificates of Deborah M. Spicer-Yates to practice as a Clinical Substance Abuse Counselor and as a Clinical Supervisor-In-Training in the State of Wisconsin are LIMITED as follows:

(a) Within 90 days of the date of this Order, Respondent shall have, at Respondent’s own expense, undergone an assessment by a mental health care provider experienced in evaluating mental health care practitioners with boundary violations.

(b) The practitioner performing the assessment must not have treated Respondent and shall have been approved by the Secretary or her designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

(c) Within 90 days of the date of the assessment, Respondent must provide a report from the assessor containing proof sufficient to convince the Secretary or her designee that Respondent is able to practice with reasonable skill and safety of clients and public and does not suffer from any condition which prevents her from practicing in that manner.

(d) If the assessment indicates that Respondent is not able to practice with reasonable skill and safety of clients and public, the Secretary or her designee may limited Respondent’s certificates in a manner to address any concerns the Secretary or her designee has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

- i. Psychotherapy, at Respondent's expense, by a therapist approved by the Secretary or her designee, to address specific treatment goals, with periodic reports to the Secretary or her designee by the therapist.
- ii. Additional professional education in any identified areas of deficiency.
- iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Secretary or her designee, with periodic reports to the Secretary or her designee by the supervisor.

(e) If Respondent believes that any limitation imposed or maintained by the Secretary or her designee under paragraph 2(d) above is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Secretary’s or designee's decision is arbitrary or capricious. The suspension or limitations on Respondent's certificates shall remain in effect until there is a final decision in Respondent's favor on the issue.

3. 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 One Thousand Dollars (\$1000) pursuant to § 440.22(2), Stats.

4. All requests, notifications and payment 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
Telephone (608) 267-3817
Fax (608) 266-2264

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph (2)(d) above, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's certificates as a Clinical Substance Abuse Counselor and a Clinical Supervisor-In-Training in Wisconsin. The Secretary in her discretion may in the alternative impose additional conditions and limitation 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 any ordered continuing education, the Respondent's certificates (# 132-14453 and 133-14593) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order shall become effective upon the date of its signing.

Department of Regulation and Licensing

By: Celia Jackson, Secretary

2/26/09

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DEBORAH M. SPICER-YATES,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 07 RSA 012

Deborah M. Spicer-Yates, 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 Clinical Substance Abuse Counselor certificate by the Division of Enforcement (case # 07 RSA 012). 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. Respondent is further informed that should the Secretary adopt this Stipulation, the Secretary's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility, he will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.
9. The Division of Enforcement joins Respondent in recommending the Secretary adopt this Stipulation and issue

the attached Final Decision and Order.

Deborah M. Spicer-Yates
2734 N. 41st Street
Milwaukee, WI 53210

Date

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

Date