

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

| | | |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| MELANIE S. FOUST, | : | |
| RESPONDENT. | : | ORDER 00000826 |

[Division of Enforcement Case No. 09 RSA 001]

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

Melanie S. Foust
7351 Liberty School Road
Omro, WI 54963

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

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 Department. The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Melanie S. Foust, Respondent, date of birth May 15, 1970, is certified by the Department of Regulation and Licensing as a Clinical Substance Abuse Counselor in the state of Wisconsin, pursuant to certificate number 11413, which was first granted August 27, 2004.
2. Respondent's last address reported to the Department of Regulation and Licensing is 7351 Liberty School Road, Omro, WI 54963.
3. At the time of the events set out below, Respondent was employed as a Clinical Substance Abuse Counselor at Winnebago Mental Health Institute (WMHI) in Winnebago, Wisconsin. Respondent worked in the Anchorage Unit with juveniles between the ages of 13 to 17 who had been admitted for treatment of dual disorders of mental health and AODA issues.

4. During a substance abuse group meeting on October 21, 2008, Respondent utilized profane language in violation of her work rules regarding disorderly conduct or other behavior unbecoming a state employee. In addition, on January 17, 2008, the Respondent allowed a patient to use her cell phone.

5. On January 5, 2009, Respondent's supervisors met with her about the incident. Respondent was told that the mission of WMHI was to treat patients with dignity and respect and that Respondent's statements were inappropriate to use in treatment of fragile patients in an inpatient hospital setting. As a result of her conduct, the Respondent was issued a letter of reprimand by her employer on January 16, 2009, in lieu of a 3-day suspension without pay.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.88(6) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, engaged in unprofessional conduct as defined by Wis. Adm. Code § RL 164.01(2)(v) for engaging in a pattern of negligence and is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Melanie S. Foust, Respondent, is hereby REPRIMANDED for the above conduct.
2. Respondent's license is LIMITED as follows:
 - a. Within 120 days of the date of this Order, Respondent shall provide proof sufficient to the Department, or its designee, of Respondent's satisfactory completion of a total of 3 hours of continuing education relating to treating clients and patients with respect, which course(s) shall first be approved by the Department, or its designee.
 - b. Upon Respondent providing proof sufficient to the Department, or its designee, that she has completed the education, the Department shall issue an Order removing this limitation of Respondent's license.
3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$390.00 pursuant to Wis. Stat. § 440.22(2).
4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered 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

5. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Department or its designee, 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.

Department of Regulation and Licensing

By: Celia M. J. [Signature]
Secretary

3/1/10
Date

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