

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
BEVERLY J. HAGEN,	:	
RESPONDENT.	:	ORDER 0000 448

Division of Enforcement Case # 10 RSA 022

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

Beverly J. Hagen
3540 Library Drive unit 407
Cudahy, WI 53110-1615

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. Beverly J. Hagen (DOB 10/25/1950) is duly licensed as a clinical substance abuse counselor in the State of Wisconsin (license # 132-1272). This license was first granted on June 16, 1989.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 3540 Library Drive, Unit 407, Cudahy, Wisconsin, 53110-1615.

3. At all relevant times, Respondent worked as a clinical substance abuse counselor at an outpatient and day treatment provider program that provided services to criminal offenders.

4. One of Respondent's assigned clients was R.B. R.B. began receiving services from Respondent on August 25, 2009, and continued to receive treatment from Respondent until May, 2010.

5. Beginning in January 2010, and continuing until at least July, 2010, Respondent had sexual contact with R.B.

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

ORDER

IT IS ORDERED:

1. The license of Beverly J. Hagen to practice as a substance abuse counselor in the state of Wisconsin is indefinitely SUSPENDED for a minimum of one year.

- (a) After one year from the date of this order, Respondent may petition the Secretary to end the suspension. Prior to the suspension being lifted, Respondent shall have, at Respondent's own expense, undergone an assessment by a therapist with experience in professional boundary violations. The assessor must not have treated Respondent at any time and shall have been approved by the Department, with an opportunity for the Division to make its recommendation, prior to the assessment being performed.
- (b) The Division shall provide the assessor and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the assessor with any information Respondent believes

will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.

- (c) Respondent shall authorize the assessor to provide the Secretary, or her designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Secretary, or her designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.
- (d) The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice as a clinical substance abuse counselor with reasonable skill and safety of patients and public and does not suffer from any condition which prevents her from practicing in that manner. This opinion must be accompanied by the assessor's reasoning, articulated to the Secretary's satisfaction. If the assessor has rendered the opinion required above and supported that opinion to the Secretary's satisfaction, then the Secretary may remove the suspension.
- (e) If the Secretary determines to end the suspension, Respondent's license shall be limited in a manner to address any concerns the Secretary 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 by the supervisor.
- (f) If Respondent believes that the Secretary's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Secretary under paragraph 3d 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 decision is arbitrary or capricious. The suspension or

limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

2. The license of Beverly J. Hagen to practice as a substance abuse counselor is LIMITED as follows:

- (a) For a period of at least two (2) years from the date on which the suspension is lifted, Respondent shall arrange for quarterly reports from her employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
- (b) For a period of at least two (2) years from the date on which the suspension is lifted, Respondent shall practice only in a work setting pre-approved by the Secretary or her designee. Respondent may not work in a corrections setting.
- (c) Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within ninety (90) days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of One Hundred Fifty Dollars (\$150.00), pursuant to Wis. Stat. § 440.22(2).

4. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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. 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 Secretary in her 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 that Respondent fails to pay costs as ordered,

Respondent's license may, in the discretion of the Secretary or her designee, be or remain 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 Jackson
Celia Jackson, Secretary
or designee

10/5/10
Date