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

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JASON ALAN PRISTELSKI
RESPONDENT.

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:

FINAL DECISION AND ORDER
ORDER 0000495

[Division of Enforcement Case # 09 SOC 17]

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

Jason Alan Pristelski
295 S. Westhaven Drive, Apt I106
Oshkosh, WI 54904-2739

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

Social Worker Section
Wisconsin 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 Social Worker Section of the Wisconsin 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. Jason Alan Pristelski ("Respondent") was born on November 15, 1976, and is licensed to practice as a social worker in the state of Wisconsin pursuant to license number 8065-120. This license was first granted on June 20, 2002.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 295 S. Westhaven Drive, Apt I106, Oshkosh, WI 54904.

3. At all times relevant to this proceeding, Respondent was working as a social worker at Unity Limited Partnership in De Pere, Wisconsin.

4. On March 22, 2009, Respondent documented in patient NJ's medical records a March 20, 2009 seventy minute routine face to face visit, ten minutes of travel time, and ten minutes of documentation time, even though Respondent, in fact, did not visit patient NJ on March 20, 2009. Patient NJ confirmed that Respondent did not visit him on March 20, 2009. Respondent admitted that he had not visited patient NJ on March 20, 2009, that he had only made a phone call to patient NJ on March 20, 2009, and that he sometimes "cuts and pastes" documentation from a prior entry to the current entry in order to save time.

5. On March 22, 2009, Respondent documented in patient ND's medical records a March 20, 2009 seventy-five minute routine face to face visit, 15 minutes of travel time, and ten minutes of documentation time, even though Respondent, in fact, did not visit patient NJ on March 20, 2009. An LPN was at patient ND's home during the time of Respondent's scheduled visit, but the LPN reported that Respondent never visited patient ND during this time period.

6. On March 25, 2009, Respondent documented in patient BV's medical records a March 25, 2009 thirty minute routine face to face visit, 15 minutes of travel time, and ten minutes of documentation time, even though Respondent, in fact, did not visit patient BV on March 25, 2010.

7. An audit trail report confirmed Respondent changed documentation for these patients, including changing contact information regarding visits with patients which never took place. A proper addendum was not created by the Respondent changing this contact from a phone call instead of a face to face visit.

8. That Respondent was terminated from Unity on March 27, 2009 for fraudulent charting.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 457.26(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of reporting distorted, false, or misleading information or making false statements in practice as described in paragraphs, 5 - 8, above, constitutes a violation of Wis. Admin. Code § MPSW 20.02(7).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Jason Alan Pristelski's license to practice as a social worker is hereby **SUSPENDED** for a period of four weeks (28 days) effective immediately. Respondent shall not practice as a social worker in the state of Wisconsin during the time that his license is suspended.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of SIX HUNDRED-FIFTY DOLLARS (\$650.00). 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

3. 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 Board 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 timely submit payment of the costs as set forth above, the Respondent's license (#8065-120) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

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

By: George J. Kanyas
A Member of the Board

10/27/10
Date