

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE PROFESSIONAL COUNSELOR SECTION
EXAMINING BOARD OF SOCIAL WORKERS
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JACQUELINE L. NORDBO, :
: ORDER 0000797
RESPONDENT. :

[Division of Enforcement Case # 10 CPC 014]

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

Jacqueline L. Nordbo
837 Woodland Avenue
Oshkosh, WI 54901

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

Professional Counselor Section
Examining Board of Social Workers
Marriage and Family Therapists and Professional Counselors
1400 E. 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 approval of the Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling, and Social Worker Examining Board. 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. Jacqueline L. Nordbo, ("Respondent") was born on January 13, 1967, and is licensed to practice as a professional counselor in the state of Wisconsin, pursuant to license number 64-125. This license was granted on June 15, 1993.
2. Respondent's last known address reported to the Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling, and Social Worker Examining Board is 837 Woodland Avenue, Oshkosh, WI 54901.
3. Respondent has been employed with the Department of Workforce Development, Division of Vocational Rehabilitation office in Oshkosh, Wisconsin, as a vocational rehabilitation counselor, for seventeen years.
4. Respondent has had numerous tickets and citations issued to her since April of 2008, including the following:
 - a. On April 26, 2008, a witness watched Respondent swerving across the street with a road barricade dragging underneath her car. The police were called. Police knocked on Respondent's door, but there was no answer. The next day, April 27, 2008, the police returned to Respondent's house. Respondent admitted to drinking and driving the night before. Respondent was cited for a hit-and-run and a court date was set.
 - b. On July 16, 2008, Respondent failed to show up for her court date for the hit-and-run, and her driver's license was suspended.
 - c. On November 7, 2008, a bench warrant was issued for Respondent for a failure to appear in court in a small claims case against her (2008SC002814).
 - d. On January 13, 2009, Respondent was pulled over for an improper stop. The officer intended to issue a verbal warning for the violation, but because of the open warrant and suspension of her license, he placed Respondent under arrest and took her to jail. Respondent was cited for non-criminal operating while suspended. Respondent was also cited for a non-criminal issuing of a worthless check.
 - e. On July 7, 2009, Respondent was caught shoplifting an electronic video game disc. Respondent was charged with a misdemeanor retail theft charge that was reduced to a non-criminal shoplifting charge. Respondent claims it was an accident, but the cameras observed her taking the video game out of its packaging and placing it in her purse.
 - f. On July 14, 2009, Respondent received her first (1st) offense Operating While Intoxicated (OWI).
 - g. On March 25, 2010, Respondent received her second (2nd) offense OWI. After Respondent was pulled over for swerving back and forth across lanes, police found a twelve

(12) pack of Miller Lite, two fifths of alcohol, and an eight pack of Strong Bull cider with ice on top. One Strong Bull can was open and in Respondent's center console. Respondent's blood alcohol content was .21%. Respondent was convicted of 2nd offense operating while impaired by alcohol or controlled substances, but the open intoxicants charge was dropped.

h. On April 28, 2010, Respondent was cited for her fourth (4th) operating while suspended, which was amended to first (1st) offense operating without a valid license.

i. On May 5, 2010, Respondent was cited for operating with a suspended license.

j. On June 24, 2010, Respondent was caught shoplifting. She was cited for theft, first (1st) offense. Respondent, once confronted outside the grocery store, produced six (6) bottles of liquor from her purse that had not been paid for, totaling \$150.70.

k. On December 17, 2010, Respondent was cited for operating while revoked, and that forfeiture case is still pending.

l. On February 24, 2011, Respondent was charged with operating a motor vehicle while intoxicated, a third offense, in Winnebago County, Wisconsin.

m. On February 24, 2011, Respondent was charged with operating a motor vehicle after revocation of license due to refusing to submit to testing for alcohol or controlled substances in connection with an arrest for operating a motor vehicle while under the influence.

5. In addition to all the citations and convictions listed above, Respondent has been cited for other ordinance violations.

6. One citation did happen during Respondent's regular work hours. During a period of suspension for her driver's license, Respondent had suffered an injury when riding her bicycle back to her office. Respondent drove herself to Urgent Care. On the way to Urgent Care, Respondent was pulled over for a broken tail light, and received an operating while suspended citation.

7. A Wisconsin Assessment of the Impaired Driver (WAID) assessment was done on Respondent in response to the second drunk driving offense on March 25, 2010. The assessment found that Respondent used alcohol irresponsibly.

CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2), and has authority to enter into this stipulation resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent's continuous violation of laws in any jurisdiction, as described in paragraph 4, above, constitutes a violation of Wis. Admin. Code § MPSW 20.02(2).

3. Respondent practicing or attempting to practice while impaired as result of an illness that impairs the ability to carry out the practice consistent with the safety of clients and the public, within the meaning of Wis. Admin. Code § MPSW 20.02(9).

ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

- A.1. The license of Jacqueline L. Nordbo, to practice as a professional counselor in the state of Wisconsin is **SUSPENDED** for an indefinite period.
- A.2. Respondent shall mail or physically deliver all indicia of licensure to the Department Monitor within 14 days of the effective date of this Order.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active counseling practice for every year the suspension is stayed, the Section may grant a petition by the Respondent under paragraph D.4. for return of full licensure. At the Section's discretion, the 5-year period may be started anew for every substantial or repeated violation of any provision of Sections C or D of this Order.
- A.4. The Section may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension shall be stayed upon Respondent petitioning the Section and providing proof, which is determined by the Section or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order and that Respondent's Treater is of the opinion that Respondent is able to safely work as a professional counselor under the restrictions of this Order.
- B.2. The Section or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Section may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
 - (a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Respondent or Respondent's attorney.

- B.4. The Section or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Section or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, in a drug and alcohol treatment with a Treater acceptable to the Section or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Section or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once weekly for the first year of the stayed suspension. Therapy may end only upon a determination by the Section or its designee after receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Section, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all specimen screening results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.

- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Section or its designee.
- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances that may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.
- C.11. Within 24 hours of ingestion or administration, Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent, shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Section or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.

Drug and Alcohol Screens

- C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.
- C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program – including any positive test for any controlled substance or alcohol - is a substantial violation of this Order. The requirements shall include:
- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.14. The Approved Program shall require the testing of specimens at a frequency of not less than 48 times per year, for the first year of this Order, and shall include at least two hair specimens. After the first year, the frequency may be reduced only upon a determination by the Section or its designee after receiving a petition for modification as required by D.4., below.
- C.15. The Department Monitor, Section or Section designee shall determine the tests to be performed upon the specimens. If any specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Section or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C.16. In addition to any requirement of the Approved Program, the Section or its designee may require Respondent to do any or all of the following: (a) submit additional specimens, (b) submit specimens of blood, hair, breath, urine, fingernail, saliva, and any additional tissue or product of

the body, the collection of which does not require piercing the skin, (c) furnish any specimen in a directly witnessed manner.

C.17. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.

C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

Practice Limitations

C.19. Respondent shall not work as a professional counselor in any capacity unless Respondent is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order.

C.20. Respondent shall practice only under the direct supervision of a professional counselor or other licensed health care professional approved by the Section or its designee and only work in a setting pre-approved by the Section or its designee.

C.21. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a professional counselor, caregiver, or provides health care, currently or in the future.

C.22. Respondent shall report to the Section any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

Required Reporting by Respondent

D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Section

D.3. If the Section or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Section or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

D.4. Respondent may petition the Section for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order, no such petition shall be made any earlier than three months from the date the Section has acted on the last such petition, and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

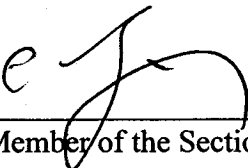
Costs of Proceeding

D.6. Respondent shall pay costs of ONE THOUSAND TWO HUNDRED SEVENTY-TWO DOLLARS (\$1,272.00) to the Department of Regulation and Licensing, within ninety (90) days of this Order. In the event Respondent fails to timely submit any payment of costs, the Respondent's license MAY BE SUSPENDED, without further notice or hearing, until Respondent has paid the Costs in full, including any accrued interest.

Additional Discipline

D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 450.10.
Dated at Madison, Wisconsin this ____ day of _____, 2011.

PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND FAMILY THERAPY,
PROFESSIONAL COUNSELING, AND SOCIAL WORKER EXAMINING BOARD

By: 
A Member of the Section

Date: 4/11/11