

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF THE APPLICATION :
FOR A PROFESSIONAL COUNSELOR :
TRAINING LICENSE OF :

JAMES L. HARRISON, III, :

APPLICANT, :

ORDER GRANTING
PROFESSIONAL COUNSELOR
TRAINING LICENSE WITH
LIMITATIONS

ORDER 0001151

To: James L. Harrison, III
1365 Kinsey Park Drive
Brookfield, Wisconsin 53005

On July 25, 2011, the applicant, James L. Harrison III, personally appeared before the Professional Counselor's Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in support of his application for a professional counselor training license. Based upon the information presented, including the information of record, the Section makes the following findings, conclusions of law and order granting a professional counselor training license with limitations.

FINDINGS OF FACT

1. The applicant, James L. Harrison III, whose date of birth is October 4, 1946, submitted an application for a Professional Counselor Training License on May 11, 2011.
2. As required on the application form, the applicant disclosed his criminal conviction record; specifically, that on December 19, 1990, the applicant was convicted of child enticement (felony) and sexual assault of a child 16 years of age (misdemeanor), (Wis. Stats. 948.07(3) and 948.09).
3. The evidence of record shows that the applicant has served his criminal sentence, and was fully discharged from probationary supervision with all rights restored on January 25, 1994.
4. On January 7, 2003, the applicant was first credentialed as a Registered Alcohol and Drug Counselor (RADCI).

5. On May 17, 2006, the applicant became a Certified Alcohol and Drug Counselor (CADC II). In addition, the applicant has attained certification as a gambling addiction counselor.

6. On April 18, 2007, the applicant received a Clinical Substance Abuse Counselor (CSAC) license. In view of the applicant's criminal conviction history, the order of the Department granting the CSAC license imposed limitations upon the credential to protect the public health, safety and welfare.

7. The evidence of record shows that the applicant has remained compliant with limitations placed upon his CSAC credential.

8. The information presented by the applicant at the time of his appearance indicates that he has worked as an AODA counselor and therapist for a number of years. The information presented by the applicant indicates that he is actively involved in several professional associations in substance abuse and addiction treatment and has earned the respect of many professionals in these fields.

9. The record evidence shows that the applicant has not reoffended or had any further criminal charges or allegations.

10. The applicant indicated that he has an employment position in a clinical professional counseling practice in which he will receive supervision to practice under the professional counselor training license.

CONCLUSIONS OF LAW

1. The Professional Counseling Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. 457.13.

2. The facts and circumstances of the applicant's criminal convictions referenced above are substantially related to the duties and responsibilities of the occupation or licensed activity performed under the professional counselor license, therefore, his application shall be subject to limitations intended to ensure that his practice will be consistent with the protection of the health, safety or welfare of the public. MPSW 11.01 (1)(f), Wis. Admin Code.

ORDER

NOW, THEREFORE, IT ORDERED that a Professional Counselor training license with limitations shall be GRANTED to the applicant, JAMES L. HARRISON, III, to practice professional counseling in the state of Wisconsin. The training license shall be LIMITED by following terms and conditions:

Practice Limitations

1. Applicant shall practice professional counseling only under the supervision of a qualified practice supervisor who meets the definition and requirements of a practice supervisor in MPSW 12.02, Wis. Admin. Code.
2. Applicant shall not provide any professional counseling services to minors.
3. Applicant shall not provide any professional counseling services to adults who disclose a history of sexual abuse or who disclose that they are survivors of sexual abuse, and applicant will make appropriate referrals for clients should such situations arise.

Reporting Requirements

4. Applicant shall provide a copy of this Order to the supervisory personnel at all settings where applicant practices professional counseling with the training license.
5. Applicant shall arrange for his supervisor to provide a written work report on a quarterly basis as directed by the Department Monitor. These reports shall assess the applicant's work performance and shall verify that he is in compliance with the laws governing the practice of professional counseling and the terms of this Order.
6. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others.
7. Applicant shall promptly notify the Department Monitor of any violation or suspected violation of the terms and conditions of this Order.
8. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Department Monitor

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

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817
DRLMonitoring@wisconsin.gov

Petitions for Modification or Termination of Order

10. Applicant may not petition for modification or termination of this Order until the requirements of the training license are completed. 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 applicant shall not have a right to any further hearings or proceedings on the denial.

Costs

11. Applicant shall be responsible for all costs and expenses incurred in conjunction with the supervision or reporting or any other expenses associated with compliance with the terms of this Order.

Summary Suspension/Additional Discipline

12. Failure by the applicant to timely comply with the terms and conditions of this Order and/or any further criminal convictions may result in a separate disciplinary action under Wis. Stat. 457.26(2). Alternatively, a violation may constitute the basis for a summary suspension under Wis. Admin. Code, ch. RL 6. If the Section determines that there is good cause for summarily suspending the applicant's training license, the summary suspension shall become effective upon:

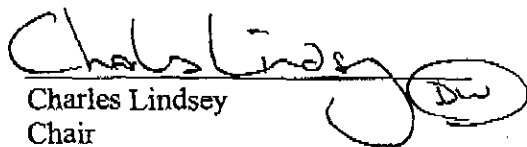
(a) Mailing to the applicant's last-known address provided to the Department of Safety and Professional Services Regulation and Licensing, pursuant to § 440.11, Stats., or

(b) Actual notice to the applicant or his attorney.

(c) The applicant may request a show cause hearing on the imposition of the summary suspension, and such hearing shall be held using the procedures set forth in ch. RL 6, Wis. Adm. Code. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within twenty (20) days of receipt of the applicant's request, unless otherwise waived by the applicant. The request of a hearing does not stay the suspension during the pendency of the hearing process.

(d) After a hearing, or in lieu of a hearing, the Section or its designee may reinstate the training license provided there is sufficient evidence that the applicant is in compliance with the Order and that continued suspension is not required to protect the health, welfare or safety of the public. The decision whether to reinstate the license shall be wholly in the discretion of the Section or its designee.

Dated at Madison, Wisconsin, this 22 day of August, 2011.


Charles Lindsey
Chair
Professional Counseling Section