

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DAVID A. GUYTON, :
RESPONDENT. :
 : ORDER 0001229

[Division of Enforcement Case #10 RSA 019]

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

David A. Guyton
4463 N. 74th Street
Milwaukee, WI 53218

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 of Safety and Professional Services (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. David A. Guyton ("Respondent") was born on September 3, 1959 and is licensed to practice as a Substance Abuse Counselor-in-Training in the State of Wisconsin (license #15610-130). This license was first granted on July 25, 2008.
2. Respondent's most recent address on file with the Department of Safety and Professional Services is 4463 North 74th Street, Milwaukee, Wisconsin.
3. At all times relevant to this proceeding, Respondent was executive director and a psychotherapist at COPE Behavioral Services, Inc. ("COPE"), located in Milwaukee, Wisconsin.

COPE was a contracted provider of Milwaukee County for AODA, group counseling and urinalysis services.

4. On September 15, 2009, Milwaukee County Department of Health and Human Services (“DHHS”) began an audit of the quality and quantity of services provided by COPE and Respondent.

5. The initial audit consisted of a review of thirteen client records, which revealed several inconsistencies. Consequently, DHHS expanded the review to examine billing records of services provided by Respondent to Wisconsin Supports Everyone’s Recovery Program (“Wiser Choice”), Children’s Court Services Network (“CCSN”) and Wraparound Provider Network (“WPN”).

6. DHHS’s review of Respondent and COPE revealed the following:

- a. Respondent omitted four convictions of fraud on his background information disclosure form;
- b. Respondent documented and billed for services that were not provided, including but not limited to the following:
 - i. Numerous sessions were documented and billed by Respondent to Wiser Choice, CCSN and WPN, for overlapping time periods; Respondent could not have been able to hold three separate sessions at the same time;
 - ii. AODA day treatment and group sessions often ended up to one hour earlier than that documented;
 - iii. Clients who were late to group sessions were instructed to enter an earlier start time than the actual start time; and
 - iv. Clients were allowed to pre-sign for treatment dates and times, which were documented and billed for even when clients failed to attend the sessions;
- c. COPE provided services to clients through an unauthorized, unlicensed individual;
- d. Several clients did not receive services from the provider who signed their progress note; and
- e. Respondent fraudulently billed and received a total of \$20,646.40.

7. Respondent was previously found to be noncompliant by DHHS in January 2006 and July, October and December 2008 for missing or inadequate documentation to support billing and other billing issues.

CONCLUSIONS OF LAW

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

2. The conduct described above constitutes unprofessional conduct as defined by Wis. Admin. Code §§ RL 164.01(2)(i) and (p) and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER


NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Department accepts the resignation and surrender of Respondent's license.
2. Within 90 days of the date of this Order, Respondent shall pay costs of the proceeding in the amount of SIX HUNDRED DOLLARS (\$600.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By 
Michael J. Berndt, General Counsel
On behalf of the Department

11/21/11
Date