

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
JACKIE M. MORTER,	:	
RESPONDENT.	:	

ORDER 0001305

[Division of Enforcement Case # 09 RSA 041]

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

Jackie M. Morter
1800 Robin Ave., S105
Oshkosh, WI 54902

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 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. Jackie M. Morter ("Respondent") was born on February 9, 1975 and is licensed as a Clinical Substance Abuse Counselor in the State of Wisconsin (license #11671-132). This license was first granted on July 22, 2003.
2. Respondent's most recent address on file with the Department of Safety and Professional Services is 1800 Robin Ave., S105, Oshkosh, Wisconsin.

3. From October 22, 2002 to November 24, 2009, Respondent worked as a psychotherapist at Sheboygan County Health and Human Services ("SCHHS"), located in Sheboygan, Wisconsin.

4. Respondent's responsibilities included psychosocial evaluation and treatment services; outreach and prevention programs through consultation, information, and referral services; and crisis intervention.

5. From May 15, 2008 to July 29, 2009, Respondent provided individual psychotherapy and case management services to Client T.R.

6. On July 18, 2009, while Respondent was out of town, Sheboygan Police Department was notified of a possible burglary at Respondent's residence. Officers found Client T.R. in Respondent's driveway, attempting to operate Respondent's vehicle.

7. The Sheboygan Police Department immediately contacted Respondent regarding Client T.R.'s presence at Respondent's residence. Respondent stated that she did not give Client T.R. permission to enter her home or operate her vehicle. Client T.R. was arrested for burglary and driving or operating a vehicle without owner consent.

8. On October 29, 2009, Respondent's supervisors at SCHHS initiated an investigation of Respondent's relationship with Client T.R. Recorded telephone conversations between Respondent and Client T.R. revealed a sexual relationship.

9. On November 5, 2009, Respondent disclosed to two co-workers that she was having a sexual relationship with Client T.R.

10. Respondent was terminated from SCHHS on November 24, 2009.

11. In January 2010, Sheboygan Police Department filed a complaint with request for charges against Respondent to the Sheboygan County District Attorney for Respondent's false statements – that Client T.R. did not have permission to be in her house – during the burglary investigation.

12. Since December 2009, Respondent has not worked or attempted to work as a psychotherapist, in order to demonstrate her remorse.

13. Since October 2009, Respondent has continued to engage in counseling with Suzanne B. Grimm, M.D.

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 in paragraphs 8-9, above, constitutes unprofessional conduct as defined by Wis. Admin. Code § RL 164.01(2)(n) and (m) (Wis. Admin. Code § SPS 164.01(2)(n) and (m) as of December 1, 2011) and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

3. The conduct described in paragraph 7, above, constitutes obstruction under Wis. Stat. § 946.41, unprofessional conduct as defined by Wis. Admin. Code § RL 164.01(2)(b) (Wis. Admin. Code § SPS 164.01(2)(b) as of December 1, 2011) and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certificate of Jackie M. Morter to practice as a substance abuse counselor in the State of Wisconsin is SUSPENDED for a period of THIRTY (30) MONTHS. This period of suspension shall start retroactively from December 1, 2009. During the period of suspension, Respondent is prohibited from providing substance abuse counseling services. Termination of the suspension is not automatic; Respondent must petition the Department for the termination of the suspension.

IT IS FURTHER ORDERED that:

2. Respondent may petition the Department for the termination of the suspension after 30 months under the following terms and conditions:

- a. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in evaluating mental health care practitioners with boundary violations;
- b. The practitioner performing the assessment must not have treated Respondent at any time and shall have been approved by the Department, with the opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed;
- c. Respondent must provide proof sufficient to convince the Department that Respondent is able to practice with reasonable skill and safety of clients and the public and does not suffer from any condition which prevents her from practicing in that manner;
- d. If the Department determines to end the suspension, Respondent's licenses shall be limited in a manner to address any concerns the Department 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 Department or its designee, to address specific treatment goals, with periodic reports to the Department 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 Department, with periodic reports to the Department by the supervisor.

3. 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.

4. If Respondent believes that the Department's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Department or its designee under paragraph 2d is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Department's or designee'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.

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED DOLLARS (\$500.00). 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

7. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2d above, may constitute grounds for revocation of Respondent's certificate as a substance abuse counselor in Wisconsin. Should the Department determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2d above, the Department may order that Respondent's certificate be summarily suspended pending investigation of, and hearing on, the alleged violation.

8. This Order shall become effective upon the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

1/9/12
Date