

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 DISCIPLINARY
PROCEEDINGS AGAINST

CATHERINE E. JOHNSON-SAMB,
RESPONDENT.

FINAL DECISION AND ORDER

~~ORDER 0001475~~

[Division of Enforcement Case #10 RSA 016]

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

Catherine E. Johnson-Samb
1332 Sherman Avenue
Janesville, WI 53545

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 the attached Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Catherine E. Johnson-Samb ("Respondent") was born on August 12, 1939 and is licensed to practice as a clinical substance abuse counselor in the State of Wisconsin (license #2099-132). This license was first granted on October 6, 1997.

2. Respondent's most recent address on file with the Department of Safety and Professional Services is 1332 Sherman Avenue, Janesville, Wisconsin.

3. At all times relevant to this proceeding, Respondent worked within her capacity as a substance abuse counselor at the Rock County Human Services Department (RCHS),

located in Janesville, Wisconsin. Respondent began employment with RCHS in 1998 and around the time relevant to this proceeding was an in-home crisis counselor. Respondent also worked eight to ten hours a week with the Lazarus Foundation, located in Janesville, Wisconsin.

4. In late January 2010, Respondent returned to work after a leave of absence following knee surgery. On March 30, 2010 and April 1, 2010, Respondent was referred by RCHS to Dr. M for a fitness for duty examination. The examination assessed potential impairments based on the following concerns identified by Respondent's co-workers:

- a. A community member reported Respondent was not where she was supposed to be during work hours;
- b. Respondent seemed lost, confused, and upset at the Rock County Courthouse, even though she had been there many times before;
- c. Respondent had problems with confusion, agitations and memory issues related to filling out time sheets and charge sheets;
- d. Respondent had difficulty finding an appointment location off a main street in town, arriving at the appointment late, and forgetting her paperwork in the car; and
- e. Community treatment team members thought Respondent was focusing too much on herself during an appointment, talking about personal issues and being hard to redirect.

5. During the examination sessions with Dr. M, Respondent disclosed her pharmaceutical records which included Lorazepam, Soma, Trazodone and Hydrocodone on a daily basis. The combination of these drugs is likely to impair a person's ability to attend work, comprehend fully, remember adequately and be well-oriented in performing work duties.

6. Dr. M's evaluation report, dated May 11, 2010, indicated that Respondent showed significant evidence of cognitive impairments, consistent with the problems she was having at work. Dr. M also noted that during his discussion with Respondent, Respondent exhibited a persistent pattern of minimizing, denying and rationalizing the concerns. Dr. M recommended that Respondent not return to her clinical responsibilities until she has successfully completed the treatment plan recommended by her provider.

7. As a result of Dr. M's evaluation, RCHS offered Respondent a non-clinical position until she is deemed fit to practice psychotherapy. Respondent declined the offer and opted to retire.

8. Respondent denied the results of the evaluation and in December 2010, offered an assessment by her personal psychologist, Dr. K, whom she had been seeing since April 26, 2010. Dr. K indicated that Respondent exhibited an increased degree of memory loss, mental confusion and tangential thinking, which he attributed to complications resulting from Respondent's knee

surgery. Dr. K believed that the cognitive impairments were not to the extent where it would interfere with Respondent's ability to work as a substance abuse counselor.

9. The Department required that the provider evaluating an individual's mental fitness for duty must not have treated the individual previously. Respondent was informed of this requirement and the rationale in not accepting Dr. K's assessment.

10. Respondent denies that her ability to work as a substance abuse counselor is impaired, and maintains that the adverse findings of the May 11, 2010 fitness for duty report resulted from complications associated with Respondent's knee surgery. However, in order to avoid the hazards and uncertainties of litigation, and because Respondent is currently retired, Respondent offers the resignation of her license.

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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Department accepts the resignation and surrender of Respondent's license (#2099-132).

IT IS FURTHER ORDERED that:

2. If Respondent ever applies to the Department for any credential:
 - a. Respondent shall provide proof sufficient to the Department that she does not suffer from any mental or physical condition which impairs her ability to function as a substance abuse counselor.
 - b. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Department.
 - c. Prior to becoming credentialed, Respondent shall 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

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

Date

