

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

MARJORIE Y. MENDOZA,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001528

[Division of Enforcement Case # 11 RSA 011]

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

Marjorie Y. Mendoza
8321 S. 100th Street
Franklin, WI 53132

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

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 the approval of the Secretary of the Department of Safety and Professional Services. The Secretary has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Marjorie Y. Mendoza ("Respondent") was born on September 6, 1981, and is licensed in the State of Wisconsin as a substance abuse counselor (credential # 155596-131, originally granted on September 30, 2010), a clinical substance abuse counselor (credential #

15574-132, originally granted on March 15, 2011), and a clinical supervisor-in-training (credential # 15434-133, originally granted on April 5, 2011).

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 8321 S. 100th St., Franklin, WI 53132.

3. At all times relevant to this proceeding, Respondent was working as a substance abuse counselor at the United Community Center ("Center") located in Milwaukee, Wisconsin.

4. Respondent was the therapist for the January 17, 2011 4:30 p.m. outpatient AODA group therapy session. Six court ordered participants had arrived at the Center for the scheduled outpatient AODA group therapy session, but Respondent was not able to make it into the Center because of inclement weather. The only staff person at the Center was the secretary, who was not a therapist and was not licensed to provide any services.

5. Respondent telephoned the Center's secretary and instructed her to have the clients sign in, and inform the clients that after they had signed in they could leave because the session had been canceled due to the inclement weather.

6. On January 19, 2011, Respondent's supervisor received a report that one of the clients that had been scheduled to attend the January 17, 2011 outpatient AODA group therapy session had told a judge and his probation agent that he had not attended the court ordered meeting because it had been canceled due to the inclement weather. Respondent's supervisor investigated and found that the Respondent had written client notes for all six clients who had signed in for the January 17, 2011 outpatient AODA group therapy session, and that the notes did not indicate that the client had been present but that the session had not been held.

7. The notes signed by Respondent for the six clients who appeared for the January 17, 2011, session each consist of a variation on "clt. listened to brief AODA ed. discussion" or "Appeared interested in AODA education discussion."

8. Respondent confirmed to the Division of Enforcement that she had not held the counseling session, and that she had signed records for each of the six clients.

9. Respondent states that it was her intention to indicate only that the clients had attempted to attend the session, not to create the impression that there had been an AODA education discussion or that any of the clients had listened to an AODA education discussion.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter, pursuant to Wis. Stat. § 440.88, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of entering inaccurate and misleading information in client records constitutes unprofessional conduct as defined by Wis. Admin. Code § RL 164.01(2)(i) (Wis. Admin. Code § SPS 164.01(2)(i) 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. Marjorie Y. Mendoza's substance abuse counselor credential (# 15596-131), clinical substance abuse counselor credential (# 15574-132), and clinical supervisor-in-training credential (# 15434-133) are all SUSPENDED for a period of three (3) weeks. Respondent will not practice as a substance abuse counselor, a clinical substance abuse counselor, or as a clinical supervisor-in-training without having an active credential.

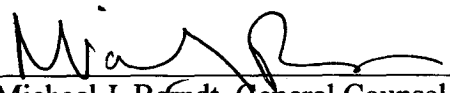
2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of NINE HUNDRED DOLLARS (\$900.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

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. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's credential. The Secretary may impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, the Respondent's credentials (#'s 15596-131, 15574-132, and 15434-133) MAY BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective fourteen days after the date of its signing.

Wisconsin Department of Safety and Professional Services

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

5/7/12
Date