

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARK F. MUELLER,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER

:  
:  
ORDER 0002157

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 RSA 019

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

Mark F. Mueller  
707 Rose Street  
Black River Falls, WI 54615

Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
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 disposition of this matter, subject to the approval of the Wisconsin 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mark F. Mueller (dob: 05/10/1967) is licensed in the State of Wisconsin as a substance abuse counselor, having license number 131-12678, first issued on 06/03/2002 and current through 02/28/2013. Respondent's most recent address on file with the Department is 707 Rose Street, Black River Falls, Wisconsin 54615.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent was employed as a psychotherapist at the Mayo Clinic Health System-Franciscan Medical Center (Mayo Clinic), located in Tomah, Wisconsin, until February 2012, when Respondent resigned due to health reasons.

3. On 05/14/2012, the Wisconsin Department of Health Services, Office of Care Giver Quality conducted a routine recertification survey of the Mayo Clinic.

4. The survey revealed that three out of the eleven randomly selected patient medical records were inadequate in that the records lacked clinical documentation of services provided and adequate client assessments.

5. All three inadequate records were maintained by Respondent, who provided services and treatment to the three clients.

6. Mayo Clinic then conducted a review of all medical records of clients that Respondent had provided care and treatment to, from October to December of 2011, and discovered that approximately 50% of the records were incomplete, lacking patient assessments, documentation of clinical contacts, progress notes, and other required documentation.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Mark F. Mueller engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(t) by failing to maintain adequate records.

3. As a result of the violations noted in the Conclusions of Law, Respondent Mark F. Mueller is subject to discipline pursuant to Wis. Stat. § 440.88(6).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark F. Mueller (license number 131-12678) is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$50.00.


4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935

5. 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 license. The Department in its discretion may in the alternative 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 timely submit payment of the costs as ordered and as set forth above, Respondent's license (no. 131-12678) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:   
Michael J. Berndt, Chief Legal Counsel  
On Behalf of the Department

11/19/12  
Date