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STATE OF WISCONSIN
BEFORE THE PROFESSIONAL COUNSELOR SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID I. DROPKIN,	:	
RESPONDENT.	:	

ORDER 0002233

[Division of Enforcement Case #09 CPC 016 and #09 CPC 022]

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

David I. Dropkin
4148 N. Newhall Street
Shorewood, WI 53211

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

Professional Counselor Section
Marriage and Family Therapy, Professional Counseling
And Social Work Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708

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 Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The Section has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. David I. Dropkin ("Respondent") was born on May 23, 1957 and is licensed as a Professional Counselor in the State of Wisconsin (license #2500-125). This license was first granted on April 22, 1996 and is not current as of February 28, 2012 due to tax delinquency.

2. Respondent's most recent address on file with the Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is 4148 North Newhall Street, Shorewood, Wisconsin.

3. At all times relevant to this proceeding, Respondent owned, operated and worked as a psychotherapist at his clinic, Community Options for Recovery & Empowerment (CORE), located in Brown Deer, Wisconsin. CORE provided treatment services to individuals with addiction, psychological, mental and behavioral problems.

Case #09 CPC 016

4. On April 2, 2009, Respondent's practice was evicted from its location for failure to pay rent.

5. Prior to the eviction, Respondent did not inform CORE's employees, including physicians and therapists, of the clinic's imminent move. After the eviction, Respondent notified only some of CORE's treatment staff about the situation. Several treating physicians and therapists did not know about CORE's closure until days later, when they reported to work.

6. For approximately two weeks after the eviction, Respondent attempted to find a new location for the clinic.

7. During this time, Respondent did not notify CORE's over 250 clients that service will be interrupted for an undetermined length of time. Clients were not notified that scheduled appointments would not be kept. Respondent did not provide clients with referrals to another provider.

8. Sometime after Respondent's eviction, Respondent posted a notice on CORE's front doors and on CORE's website.

9. During this time, Respondent received numerous phone calls from clients requesting service. Respondent had staff record a list of callers, but did not contact the clients or refer the clients to another provider.

10. Two weeks after the eviction, unable to find a new clinic location, Respondent closed the practice. Once it was clear that CORE would not be reopening, Respondent provided the contact information of physicians who were providing services to CORE's clients to the pharmacy in order to facilitate refill requests.

Case #09 CPC 022

11. Client A was a current client of CORE in April 2009.

12. Client A was not notified by Respondent that CORE closed. Client A first found out about CORE's closure when she showed up for her scheduled appointment in the second week of April 2009.

13. After searching for a month, Client A was able to locate her treating physician from CORE, Dr. C.D. However, Dr. C.D. did not have access to Client A's treatment records, which were necessary to determine what medication Client A was currently prescribed.

14. Since at least June 3, 2009, Client A has been requesting her treatment records from Respondent. Respondent has over 15 years worth of Client A's records, some of which cannot be obtained from another source.

15. Respondent failed to respond to Client A's numerous telephone and in-person requests for her records. Respondent also failed to respond to Client A and her doctor's written requests.

CONCLUSIONS OF LAW

1. The Wisconsin Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above in paragraphs 5-10 and 12 constitutes unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(21) and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

3. The conduct described above in paragraphs 13-15 violates Wis. Stat. § 51.30(4), which constitutes unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Professional Counselor license of Respondent, David I. Dropkin, (license #2500-125) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent's professional counselor license is LIMITED by the condition that within ninety (90) days from the date of this Order, Respondent shall successfully complete eight (8) hours of education in ethics:

- a. Respondent shall locate and have the Section or its designee pre-approve the educational program(s) prior to Respondent completing them.
- b. Within 30 days after Respondent has completed the educational program(s), Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed the educational program.
- c. Respondent cannot apply these eight hours of education to the biennial continuing education requirements. If Respondent obtains more than eight hours of education to fulfill the requirements of this Order, then Respondent can use any of the hours of education obtained in excess of eight hours towards the biennial continuing education requirements.
- d. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- e. This limitation shall be removed from Respondent's license after Respondent satisfies the Board or its designee that Respondent has successfully completed all of the ordered education.
- f. Respondent is responsible for all costs of compliance with this Order.

3. Respondent shall, within ninety (90) days from the date for this Order, pay costs of this proceeding in the amount of EIGHT HUNDRED FIFTY DOLLARS (\$850.00). 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


4. 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 Section 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 timely pay costs as ordered or provide evidence of satisfactory completion of the ordered

education, Respondent's license to practice as a professional counselor (license #2500-125) shall be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the education.

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

Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board

By:


A member of the Section

12/19/12.
Date