

## 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

JERRY W. SAMPLE,  
RESPONDENT.

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**FINAL DECISION AND ORDER**

ORDER 0002250

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 RSA 7

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

Jerry W. Sample  
1031 6<sup>th</sup> Avenue North  
Onalaska, WI 54650-2002

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 Jerry W. Sample (dob July 21, 1968) is certified in the State of Wisconsin as a Clinical Substance Abuse Counselor, having credential number 132-11750, first issued on June 17, 2004 and current through February 28, 2013. Jerry W. Sample's most recent address on file with the Department is 1031 6<sup>th</sup> Avenue North, Onalaska, Wisconsin 54650-2002.

2. In May, 2010, Respondent invited adolescent clients to an outdoor event in a park, where Respondent was renewing his wedding vows with his wife.

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

3. On October 6, 2011, Respondent was facilitating a group therapy session for adolescents, when he used unprofessional language, and displayed unprofessional emotional behavior. On October 17, 2011, Respondent was terminated by his employer, Mayo Health System – Franciscan Healthcare, where he had been employed for 10 years as a substance abuse counselor, for the October 6 incident.

4. Following his termination, Respondent vandalized a car belonging to a staff person he held responsible for the termination decision. Respondent was convicted of criminal damage to property in the Circuit Court for La Crosse County, Wisconsin, as a result of this incident. Sentence was withheld, and respondent was placed on probation for one year with the following conditions: 20 hours of community service, restitution, cooperating with his agent in completing any assessments or evaluations (including anger management) deemed appropriate by the agent, whom cooperation with a Restorative Justice program, and payment of costs and fees.

5. While employed as a substance abuse counselor, Respondent used his work computer to store inappropriate and sexually explicit movies.

6. During the investigation of this matter, Respondent made the following incorrect statements to the Department: he stated that many of his colleagues refused to work with the adolescent group which he was facilitating, that coworkers attended a certain former client's graduation from a "Challenge Academy," that he had never refused training in the area of boundaries, and that he did not have any social media contact with former clients following his termination.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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(6), 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 2 and 6, Respondent Jerry W. Sample violated Wis. Admin. Code § SPS 164.01(2)(n) by failing to avoid dual relationships with multiple clients.

3. By the conduct described in the Finding of Fact 4, Respondent Jerry W. Sample violated Wis. Admin. Code § SPS 164.01(2)(b) by violating a law substantially related to the practice.

4. By the conduct described in the Finding of Fact 5, Respondent Jerry W. Sample violated Wis. Admin. Code § SPS 164.01(2) by engaging in behavior that violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public.

5. By the conduct described in the Finding of Fact 6, Respondent Jerry W. Sample violated Wis. Admin. Code § SPS 164.01(2)(w) by failing to respond honestly to a request for information from the Department.

6. As a result of these violations, Respondent Jerry W. Sample is subject to discipline pursuant to Wis. Stat. § 440.88(6).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Jerry W. Sample is REPRIMANDED.
3. The Clinical Substance Abuse Counselor credential issued to Jerry W. Sample (credential No. 132-11750) is LIMITED as follows:
  - a. Within 120 days of the date of this Order, Respondent shall demonstrate successful completion of the following courses or programs which have been pre-approved by the Department, including taking and passing any exams offered for the courses.
    - An anger management program of not less than 20 hours; this may be in conjunction with any program required by Respondent's probation agent.
    - A professional ethics course of not less than eight hours.
    - A course in professional boundaries for mental health clinicians of not less than eight hours. The following course is preapproved as fully satisfying this requirement, and Respondent may propose others which are the substantial equivalent: "Ethics, Boundaries, and Practice: Current Issues" offered by the University of Wisconsin--Madison Division of Continuing Studies, and taught by Gary Schoener, February 4, 2013.
  - b. Before Respondent facilitates, including co-facilitation, any group which includes any person under the age of 18, or provides counseling to any person under the age of 18, Respondent shall demonstrate successful completion of a program dealing with the issues and problems of adolescent clients.
  - c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - d. The above limitations shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

- e. Respondent shall provide any employer or agency for whom he provides substance abuse counseling services to clients, with a copy of this order, before commencing employment or substance abuse counseling services. This limitation is permanent.

4. Within 120 days from the date of this Order, Jerry W. Sample shall pay COSTS of this matter in the amount of \$600.

5. 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  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

6. 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 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 set forth above, Respondent's credential (no. 132-11750) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. 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

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1/16/13  
Date