

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

DARRYL R. WHEELER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002330

Division of Legal Services and Compliance¹ Case No. 12 RSA 029

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

Darryl R. Wheeler
W1944 Old Peshtigo Road
Marinette, WI 54143

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 Darryl R. Wheeler (dob October 10, 1962) is certified in the State of Wisconsin as a Clinical Substance Abuse Counselor, having credential number 132-15393, first issued on April 9, 2009 and current through February 28, 2013. Darryl R. Wheeler's most recent address on file with the Department is W1944 Old Peshtigo Road, Marinette, Wisconsin 54143.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a Clinical Substance Abuse Counselor at Quality Addiction Management (QAM), a methadone clinic in Green Bay, Wisconsin.

3. Respondent was hired by QAM on August 31, 2011 to perform assessments, treatment planning and individual counseling to an average caseload of 55 to 65 patients.

4. On December 10, 2011, the Marinette County Sheriff's Department responded to a report from a caller who identified himself as Darryl Wheeler. The caller stated that his live-in girlfriend had made comments about harming herself. When the police arrived at Respondent's residence, they detected the odor and presence of marijuana.

5. Respondent's girlfriend showed the police officers a walk-in closet in Respondent's home where she and Respondent were growing marijuana. The officers found grow lights, buckets of soil and remnants of marijuana leaves in the closet.

6. On June 9, 2012, Respondent's girlfriend contacted the Department of Health Services, Division of Mental Health and reported Respondent's personal drug abuse during his recreational time and that he was stealing her attention deficit medication.

7. Respondent's girlfriend informed the Division of Mental Health that Respondent had also disclosed confidential patient information about his patients at QAM, including the results of at least one patient's failed drug urinalysis tests.

8. Respondent was terminated by QAM on June 13, 2012, after being confronting by his employers and admitting that he had recently smoked marijuana and that he knew his girlfriend was growing marijuana in his home.

9. In his written response to the department's investigator, Respondent stated that he left QAM on his own volition due to his own ethical and moral boundaries and because he did not agree with the therapy utilized in the program. Respondent denied revealing confidential patient information with anyone who was not an employee of QAM.

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, Respondent Darryl R. Wheeler violated Wis. Admin. Code SPS § 164.01(2)(b), by violating, or aiding and abetting the violation of any law or rule substantially related to the practice of a substance abuse counseling professional.

3. By the conduct described in the Findings of Fact, Respondent Darryl R. Wheeler violated Wis. Admin. Code SPS § 164.01 (2)(h) by using alcohol or any drug to an extent that

such use impairs the ability of the substance abuse counselor to practice safely or attempting to practice while the substance abuse professional is impaired due to the utilization of alcohol or other drugs.

4. By the conduct described in the Findings of Fact, Respondent Darryl R. Wheeler violated Wis. Admin. Code SPS § 164.01(2)(k) by revealing to other personnel not engaged in the care of a patient or to members of the public information which concerns a patient's condition unless release of the information is authorized by patient or required or authorized by law.

5. As a result of the violations noted in the Conclusions of Law, Respondent Darryl R. Wheeler is subject to discipline pursuant to Wis. Stat. § 440.88(6).


ORDER

1. The attached Stipulation is accepted.
2. The Clinical Substance Abuse Counselor license of Respondent Darryl R. Wheeler is REVOKED.
3. Within 90 days from the date of this Order, Darryl R. Wheeler shall pay COSTS of this matter in the amount of six hundred fifty dollars (\$650.00.)
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
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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

3/13/13
Date