

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

CYNTHIA A. MIDCALF, PH.D., L.P.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0002501**
:

Division of Legal Services and Compliance Case No. 12 RSA 038

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

Cynthia A. Midcalf, Ph.D., L.P.C.
600 Autumn Crest
Watertown, WI 53094

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 Cynthia A. Midcalf, Ph.D., L.P.C., (dob July 17, 1959), is certified in the State of Wisconsin as a substance abuse counselor, having credential number 15387-131, first issued on October 31, 2007 and current through February 28, 2015 and as a clinical supervisor-in-training, having credential number 15451-133, first issued on October 6, 2011 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 600 Autumn Crest, Watertown, WI 53094-6078.

2. Respondent was a business partner and counselor in Pewaukee, Wisconsin from July 2008 until September 2012.

3. Respondent worked under the clinical supervision of Dr. A. The respondent and Dr. A operated a certified AODA facility within the clinic.

4. During an August 2011 recertification audit, Dr. A was notified that the Respondent had not signed many of her charts.

5. On December 8, 2011, Dr. A conducted her own audit of Respondent's charts. That audit identified inadequate charting by Respondent. The inadequate charted included lack of treatment plan reviews, no documentation of collateral contacts, absence of appropriate legal documentation and court orders, and failure to document canceled appointments.

6. On August 2, 2012, Dr. A performed a second audit of Respondent's charts. Again this audit confirmed inadequate charting. Out of 59 charts reviewed by Dr. A, only three were complete.

7. In September 2012, after no progress was made with Respondent's charting deficiencies, the partnership dissolved.

8. After receiving a portion of Respondent's charts back, Dr. A noticed that charts appeared to have been documented years after services were rendered.

9. Respondent is now working as a solo practitioner in Pewaukee, Wisconsin. Respondent admits that her record keeping was insufficient and was below current standards.

10. Respondent is staying current with her record keeping requirements by using a new system of electronic medical records.

11. Respondent provided verification to the Department that she has registered to attend the 2013 Wisconsin Psychological Association convention from April 3, 2013 through April 6, 2013 where she will be taking 7.5 continuing education credits focusing on electronic medical records.

12. 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, 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 Cynthia A. Midcalf, Ph.D., L.P.C. engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(t) by failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

3. As a result of the above conduct noted in the Conclusions of Law, Respondent Cynthia A. Midcalf, Ph.D., L.P.C. is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Cynthia A. Midcalf, Ph.D., L.P.C., is REPRIMANDED.
3. The substance abuse counselor certificate (number 15387-131) and the clinical supervisor-in-training certificate (number 15451-133) issued to Cynthia Midcalf, Ph.D., L.P.C., are both LIMITED as follows:
 - a. Within 90 days of the date of this Order, Respondent shall successfully complete 4 hours of education on the topic of ethics and 4 hours of education on the topic of record keeping offered by a provider pre-approved by the Department's designee, including taking and passing any exam offered for the courses.
 - b. Satisfaction of the required education may be achieved by providing proof, acceptable to the Department's designee, that Respondent has completed the education requirements of the Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, in Case No. 12 CPC 086.
 - c. Respondent shall engage the services of a licensed mental health provider, pre-approved by the Section or its designee, who will serve as a professional mentor to monitor her record keeping. The mentor shall not have any current or prior relationship with Respondent that could reasonably be expected to compromise the ability to render fair and unbiased reports to the Department. Prior to commencement of the mentorship, the proposed mentor shall confirm, in writing, that he or she has read the Final Decision and Order and agrees to serve as Respondent's mentor.
 - d. Within 30 days of the signed order, the mentor shall meet with Respondent, at Respondent's place of practice, to review Respondent's records. The meetings shall occur at least once a month for the first 12 months. After the first 12 months, the meetings shall occur at least once per quarter. The mentoring may be reduced in frequency after 12 months, upon a statement by the mentor that the mentor believes Respondent is doing minimally competent record keeping. During mentoring, mentor should review at least 10 patient files for patients that were seen during that month.

e. The mentor shall submit quarterly reports identifying the number of meetings that have occurred and addressing Respondent's professional performance and record keeping. It is Respondent's responsibility to ensure the reports are submitted when due. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order.

f. Respondent is responsible for all costs associated with the record keeping monitor.

g. With a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board for removal of the mentoring requirement after the submission of eight (8) quarterly mentor reports.

4. This limitation shall be removed from Respondent's credential and Respondent will be granted a full, unrestricted credential after satisfying the Department or its designee that Respondent has successfully completed all of the ordered education and monitoring requirements.

5. Within 90 days from the date of this Order, Cynthia A. Midcalf, Ph.D., L.P.C. shall pay COSTS of this matter in the amount of \$375.00.

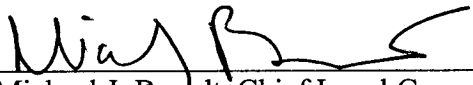
6. Requests for approval of courses, proof of successful course completion, quarterly mentor reports, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

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

7. 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 certificate. 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 complete the education or fails to submit proof of successful completion of the ordered education or fails to comply with the mentoring requirements or fails to submit payment of the costs as ordered and as set forth above, Respondent's certificates (no. 15387-131 and no. 15451-133) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with all the terms and conditions of the Order.

8. 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

6/27/13
Date