

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MELISSA PANNELL,	:	
RESPONDENT.	:	0002568

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 CPC 079

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

Melissa Pannell  
3603 28th Ave. # 2  
Kenosha, WI 53140-2307

Professional Counselor Section  
Marriage and Family Therapy, Professional Counseling, and  
Social Work Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
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 Professional Counselor Section of the Wisconsin 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, Conclusions of Law and Order.

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

## FINDINGS OF FACT

1. Respondent Melissa Pannell (dob January 26, 1968) is licensed in the State of Wisconsin as a professional counselor, having license number 4472-125, first issued on October 27, 2010 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3603 28th Avenue # 2, Kenosha, Wisconsin 53140-2307.

2. On July 23, 2009, Respondent used a fraudulent prescription order to obtain the controlled substance Vicodin® to treat her own chronic hip pain. The physician identified as the purported prescriber had not written, authorized, or generated the prescription order. The physician alleged that Respondent had stolen a blank prescription pad from his office.

3. On November 8, 2010, in Case No. 2010CF1069, the Kenosha County District Attorney charged Respondent with one count of uttering a forgery, a violation of Wis. Stat. §§ 943.38(2) and 939.50(3)(h).

4. On March 22, 2011, Respondent underwent an AODA assessment which found that she was not currently abusing any substance.

5. On March 27, 2013, Respondent entered a no contest plea and was convicted of one count of possession of a controlled substance, a violation of Wis. Stat. § 961.41(3g)(b). The court placed Respondent on probation for twelve months, with conditions to include that Respondent undergo an ADOA assessment, that she submit to random drug testing, and that she participate in whatever counseling her probation agent deems appropriate.

6. The charge of uttering a forgery will be dismissed if Respondent successfully completes the terms and conditions of her probation.

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

## CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 457.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Vicodin® contains less than 15 milligrams of hydrocodone, and is a Schedule III controlled substance pursuant to Wis. Stat. § 961.18(5)(c), for which a prescription is required pursuant to Wis. Stat. § 961.38(3).

3. By the conduct described in the Findings of Fact, Melissa Pannell violated Wis. Admin. Code § MPSW 20.02(2) by violating a law substantially related to the practice of professional counseling.

4. As a result of the above violations, Melissa Pannell is subject to discipline pursuant to Wis. Stat. § 457.26(2)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Melissa Pannell is REPRIMANDED.

3. The license of Melissa Pannell to practice as a professional counselor in the State of Wisconsin is further LIMITED, to-wit, Respondent shall comply with all conditions of the probation ordered in Kenosha County Circuit Court Case No. 2010CF1069, whether the conditions were ordered by the Court or her agent.

b. Respondent shall self-report any alleged violation(s) of the rules of her probation within five-days after she commits a violation, or within five-days of learning of an allegation that she violated the rules of her probation.

c. This limitation shall be removed if and when Respondent provides proof, satisfactory to the Department Monitor, that Respondent has successfully completed the probation ordered in Kenosha County Circuit Court Case No. 2010CF1069.

4. Within 90 days from the date of this Order, Melissa Pannell shall pay COSTS of this matter in the amount of \$500.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), self-report of probation violations and proof of successful completion of Respondent's probation shall be sent to the Department Monitor at the address below:

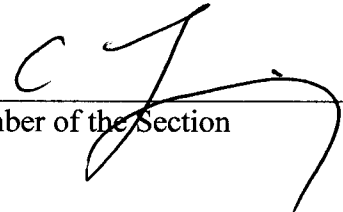
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

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 license. The Section 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, fails to comply with all conditions of the probation, or fails to timely self report any violations of her probation, Respondent's license (no. 4472-125) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and has complied with all conditions of the probation.

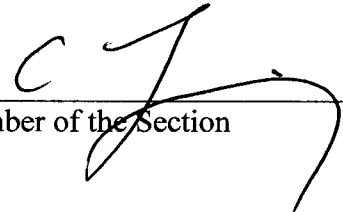
7. This Order is effective on the date of its signing.

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

by:

  
A Member of the Section

Date

  
8/14/13