

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELLY POWERS,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0002650**

Division of Legal Services and Compliance¹ No. 12 RSA 033

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

Kelly Powers
S10876 State Road 37
Lot C6
Mondovi, WI 54755

Department of Safety and Professional Services
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 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 Kelly Powers, (dob March 22, 1963), is certified in the State of Wisconsin as a substance abuse counselor-in-training, having certificate number 15740-130, first issued on March 4, 2009, and current through February 28, 2015. Respondent is also certified as a social worker, having certificate number 10097-120, first issued on May 21, 2009, and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin

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

Department of Safety and Professional Services (Department) is S10876 State Road 37, Lot C6, Mondovi, Wisconsin 54755.

2. At all times relevant to this proceeding, Respondent was working as a Social Worker/AODA counselor for the State of Wisconsin, Department of Corrections at the Chippewa Valley Correctional Treatment Facility (CVCTF) in Chippewa Falls, Wisconsin.

3. Since joining CVCTF in 2009, Respondent began to encounter performance issues relating to completion of documents in a timely fashion. These documents included AODA discharge summaries, AODA and Social Worker file close outs, chronological and file case notes.

4. On January 2012, Respondent met with his new supervisor to discuss his deficiencies relating to his record keeping. At these meetings Respondent acknowledged his deficiencies, asked for guidance and assured his supervisor that his behavior would improve. Despite these assurances, Respondent continued to fail to keep records in a timely fashion and his supervisor continued to note a lack of improvement on Respondent's part.

5. On numerous occasions, Respondent's supervisor directed Respondent to complete the discharge summaries and close outs of his last AODA counseling group which completed their classes on May 4, 2012. Respondent was expected to complete this task within a two week period. Respondent failed in completing this task.

6. On repeated occasions Respondent failed to attend several scheduled clinical supervision sessions without providing proper notice. This failure caused the sessions to be rescheduled at the detriment of the patients. The rescheduling of these sessions directly had an effect on Respondent's fulfilling his clinical supervision requirements which affected his ability to continue to work as a substance abuse counselor.

7. In one occasion Respondent admitted to his supervisor of making up information in a file on an inmate. When asked to explain the reason for this action, Respondent stated that he did so in order to appear as being "on top of things" to his supervisors.

8. Based on Respondent's performance issues, an internal investigation was conducted by Respondent's employer. The internal investigation discovered that in addition to Respondent's performance issues, Respondent had also falsified his work experiences and qualifications and had lied to management regarding those experiences and qualifications.

9. On August 7, 2012, Respondent submitted his resignation from CVCTF. Respondent's employer accepted the resignation.

10. On July 11, 2013, during an investigatory interview, Respondent admitted to a representative of the Division of Legal Services and Compliance, of telling "half-truth" and lies to his employer regarding the inmate incident and the inmate's probation officer. In addition Respondent acknowledged that his behavior was "unprofessional conduct" and that he would accept "whatever punishment we felt appropriate".

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

CONCLUSIONS OF LAW

1. The Department 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 Kelly Powers committed unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(t) by failing to maintain adequate records relating to services provided to a patient in the course of a professional relationship.

3. By the conduct described in the Findings of Fact, Respondent Kelly Powers committed unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(i) by engaging in false, fraudulent, misleading or deceptive behavior as a substance abuse professional.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kelly Powers is REPRIMANDED.

3. The substance abuse counselor-in-training certificate issued to Respondent Kelly Powers (no. 15470-130) is hereby LIMITED as follows:

a. Within 120 days of the date of this Order, Respondent shall successfully complete six (6) hours of remedial education on the topic of proper record keeping; and six (6) hours on the topic of ethics. To satisfy this requirement, Respondent must take and pass any exam offered for the courses. All courses shall be “live” and “in-person” and not taken on-line through the internet, or in any pre-recorded medium.

b. Satisfaction of the required remedial education may be achieved by providing proof, acceptable to the Department’s designee, that Respondent has completed the remedial education requirements of the Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, in Case No. 12 SOC 113.

c. Respondent shall submit proof of successful completion of the remedial 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 required by the Section

or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

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

5. Within 90 days from the date of this Order, Kelly Powers shall pay COSTS of this matter in the amount of \$1,033.00.

6. Requests for approval of courses, proof of successful course completion, 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 license. 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 ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's certificate (no. 15470-130) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has with payment of the costs and completion of the education.

8. This Order shall be 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

Date

10/1/13