

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
PETER J. BARTOSZEWICZ, :
RESPONDENT. :

0003930

Division of Legal Services and Compliance Case No. 14 CPC 015

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

Peter J. Bartoszewicz
5728 Oxford Dr.
Greendale, WI 53129-2561

Professional Counselor Section
Marriage and Family Therapy, Professional Counseling, and
Social Work Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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.

FINDINGS OF FACT

1. Respondent Peter J. Bartoszewicz, (dob October 2, 1981), is licensed in the state of Wisconsin as a professional counselor, having license number 4206-125, first granted on April 22, 2009 and current through February 28, 2015. Respondent's most recent address on file with

the Wisconsin Department of Safety and Professional Services (Department) is 5728 Oxford Drive, Greendale, Wisconsin 53129-2561.

2. At all times relevant to this proceeding, Respondent was employed as a case manager at Wisconsin Community Service (WCS), located at Milwaukee, Wisconsin.

3. Patient A is a man born on March 6, 1950.

4. On November 27, 2013, Patient A was on in-patient treatment at Milwaukee County Behavioral Health hospital, a psychiatric care facility.

5. Respondent entered Patient A's room at approximately 10:30 a.m., and found Patient A standing against a wall. Respondent observed that there was a string tied around a window latch at the top of the window next to Patient A, and that the other end of the string was tied in a noose around Patient A's neck. Respondent further observed that Patient A was breathing, but was not responsive to Respondent's vocal prompts.

6. Respondent left Patient A standing in his room with the ligature around his neck, attached to the latch at the top of the window.

7. Respondent walked calmly down the hall of the psychiatric hospital, passing several staff members and the nursing station, and went into the office of the social worker on duty. Respondent reported that Patient A was non-responsive but standing with a noose around his neck, tied to the latch at the top of the window in his room.

8. Respondent and the psychiatric hospital social worker walked to a psychologist's office, and spent several minutes reviewing the circumstances of Patient A's admission to the psychiatric hospital before the social worker prompted Respondent to report finding Patient A with a noose around his neck, tied to the latch at the top of the window in his room.

9. The psychologist immediately alerted hospital staff of Patient A's condition. Hospital staff cut the noose from Patient A's neck, and observed him to be minimally responsive. Staff administered oxygen at a high rate to Patient A and revived Patient A by the time paramedics arrived to take him to a general hospital for medical evaluation.

10. Respondent states that he was deliberately calm in walking to the social worker's office to avoid upsetting other patients who might hear any excitement.

11. 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. By the conduct described in the Findings of Fact, Respondent Peter J. Bartoszewicz engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(22) by failing to take immediate action to protect Patient A's ability to breathe.

3. As a result of the above violations, Respondent Peter J. Bartoszewicz is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

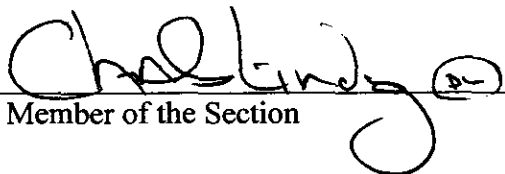

1. The attached Stipulation is accepted.
2. Respondent Peter J. Bartoszewicz is REPRIMANDED.
3. The professional counselor license issued to Respondent Peter J. Bartoszewicz (license number 4206-125) is LIMITED as follows:
 - a. Within 180 days of the date of this Order, Respondent shall successfully complete 3 hours of education on the subject of effective communication in a clinical setting; 3 hours of education on the subject of strategies for suicide intervention and prevention; 6 hours of education on the subject of identifying and overcoming maladaptive communication styles; and 6 hours of education on the subject of life and health safety risk assessment and risk management. The course(s) must be pre-approved by the Section's designee. Successful completion requires that Respondent take and pass any exam offered for the course(s). Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - b. Within thirty days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.
 - c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department.
 - d. The Department shall remove this limitation from Respondent's license when Respondent has satisfied the Section's designee that Respondent has successfully completed the preapproved education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$500.00.
5. Requests for preapproval of proposed remedial education, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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
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 license. The Section, in its discretion, may 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 license (no. 4206-125) 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 completion of the education.

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: Chalinda  
A Member of the Section

Date 4/15/15

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PETER J. BARTOSZEWICZ,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003930

Division of Legal Services and Compliance Case No. 14 CPC 015

Respondent Peter J. Bartoszewicz and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Robert Pledl.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

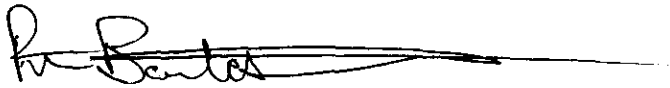
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

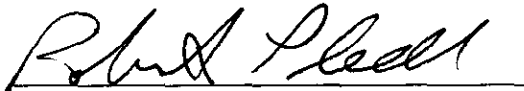
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment

9. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



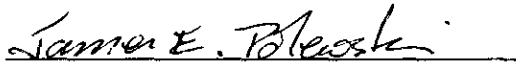
Peter J. Bartoszewicz, Respondent
5728 Oxford Dr.
Greendale, WI 53129-2561
License no. 4206-125

3/12/15
Date



Robert T. Pledl, attorney for Respondent
1110 N. Old World Third Street, Ste 215
Milwaukee, WI 53203

03/12/2015
Date



James Polewski, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

March 3, 2015
Date