

## 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

MARK A. WIERSCHKE,  
RESPONDENT.

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FINAL DECISION AND ORDER

0004865

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Division of Legal Services and Compliance Case No. 15 CPC 019

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

Mark A. Wierschke  
490 Wagon Dr.  
West Salem, WI 54669

Professional Counselor Section of the Wisconsin 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 Mark A. Wierschke (dob February 27, 1964) is licensed in the state of Wisconsin to practice professional counseling, having license number 3284-125, first granted on August 15, 2003, and current through February 28, 2017. Respondent's most recent address

on file with the Wisconsin Department of Safety and Professional Services (Department) is 490 Wagon Drive, West Salem, Wisconsin 54669.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a counseling agency (Agency), located in La Crosse, Wisconsin.

3. On October 29, 2007, in Order #LS0710293CPC, the Section found that Respondent's documentation for 41 clients was inadequate as client files were missing case notes, assessments, diagnosis, treatment forms, client signatures, release of information forms for third-party billing and case closing documentation. In some cases the missing documentation was two years overdue.

4. The Section issued a reprimand and limited Respondent's license requiring Respondent to complete six (6) hours of education in case management and documentation, work under direct supervision, and submit quarterly work reports to the Section.

5. On April 26, 2010, the Section granted Respondent full licensure.

6. Between July 2014 and July 2015, Respondent's supervisor at the Agency received several complaints from clients and probation agents that Respondent was not returning calls or emails and that his voicemail was full and could no longer receive messages.

7. In October 2014, Respondent's employer checked Respondent's voicemail and discovered that the mailbox was full and had unheard messages dating back to September 7, 2014. Many of the messages were repeat calls from the same clients.

8. In April 2015, Respondent's supervisor received complaints that Respondent was not on time for group therapy sessions for the second consecutive week.

9. On April 22, 2015, an audit discovered that Respondent had not completed the required paperwork for 33 clients, including discharge summaries and client program reports. The discharge summaries were one (1) to six (6) months past the ten (10) day deadline in which Respondent was required to provide a client's probation agent with the discharge summary.

10. 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(2), 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, Mark A. Wierschke engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(18), by failing to maintain adequate records relating to services provided to a client in the course of a professional relationship.

3. As a result of the above violations, Mark A. Wierschke is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark A. Wierschke is REPRIMANDED.

3. The license to practice professional counseling issued to Mark A. Wierschke (license number 3284-125) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of documentation and eight (8) hours of education on the topic of time management for healthcare professionals offered by a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

4. The license to practice professional counseling issued to Mark A. Wierschke (license number 3284-125) is further LIMITED as follows:

- a. Respondent shall provide a copy of this Order and all subsequent orders immediately to all supervisory personnel at all settings where Respondent works in any capacity as a professional counselor, relating to professional counseling, or as a caregiver of any type, currently or in the future.
- b. Respondent shall practice only under the supervision of a licensed professional counselor or other licensed health care professional approved by the Section or its designee and only in a work setting pre-approved by the Section or its designee.

- c. Respondent shall arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, including but not limited to case management and documentation, and shall include the number of hours of active professional counseling practice worked during that quarter.
- d. Respondent shall report to the Section any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- e. Respondent may petition the Section to amend these limitations at any time after one year. Respondent must appear before the Section to support his petition if requested by the Section. The Section may deny the petition in its discretion.

5. Within ninety (90) days from the date of this Order, Mark A. Wierschke shall pay COSTS of this matter in the amount of \$275.00.

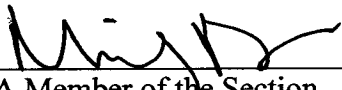
6. Any documents, reports, request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto: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 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 work reports, fails to provide current or future employers with a copy of all Section Orders, fails to work under the supervision of a licensed professional counselor, fails to timely report a change of employment, fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 3284-125) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied timely submitted work reports, provided employer(s) with a copy of all Section Orders, is working under the direct supervision of a licensed professional counselor, has notified the Section of a change of employment, has complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

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

by:   
A Member of the Section  
Michael J. Berndt, Chief legal Counsel

8/3/16  
Date

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

MARK A. WIERSCHKE,  
RESPONDENT.

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STIPULATION

0004865

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Division of Legal Services and Compliance Case No. 15 CPC 019

Respondent Mark A. Wierschke 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.


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.

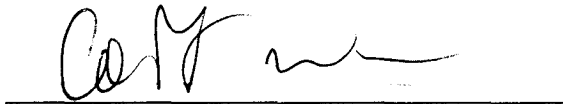
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's attorney, 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. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

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

  
Mark A. Wierschke, Respondent  
490 Wagon Dr.  
West Salem, WI 54669  
License no. 3284-125

12-11-15  
Date

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

12/18/15  
Date