

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 :
 : FINAL DECISION AND ORDER
MATTHEW C. ANDERSON, :
RESPONDENT. :

0004932

Division of Legal Services and Compliance Case No. 16 RSA 011

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

Matthew C. Anderson
1721 Hatch St.
Eau Claire, WI 54701

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

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 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 Matthew C. Anderson (dob April 12, 1977) is certified in the state of Wisconsin to practice substance abuse counseling, having certification number 15422-132, first granted on October 19, 2009 and current through February 28, 2017. Respondent's most recent address on file with the Department is 1721 Hatch Street, Eau Claire, Wisconsin 54701.

2. At all times relevant to this proceeding, Respondent was employed as a substance abuse counselor at a clinic (the Clinic), located in Eau Claire, Wisconsin.

3. On April 25, 2016, Respondent self-reported to his employer that he had been engaged in a non-romantic dual relationship with Client A since January 2016.

4. While providing substance abuse treatment to Client A, Respondent admitted the following had occurred:

- a. Respondent provided his personal cell phone number to Client A, which led to communication via text and phone calls outside of treatment.
- b. Respondent brought a friend's dog to Client A's residence to be groomed.
- c. Respondent and Client A met at a dog park to walk their dogs.
- d. Respondent and Client A used marijuana together approximately 6-8 times.
- e. Respondent accepted Client A's invitation to a concert, rode in Client A's car to the concert, stayed in the same hotel room as Client A and drank alcohol and used marijuana with Client A during the concert trip.

5. On April 29, 2016, Respondent resigned his employment at the Clinic.

6. In an email to the Department, Respondent admitted that he was in recovery for addiction until December 2015 and in mid-December 2015 he relapsed with alcohol and eventually marijuana in January 2016.

7. 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, Matthew C. Anderson engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(g), by practicing or attempting to practice while the substance abuse professional is impaired as a result of any illness that impairs the substance abuse professional's ability to appropriately carry out his or her professional functions in a manner consistent with the safety of patients or the public.

3. By the conduct described in the Findings of Fact, Matthew C. Anderson engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(n), by failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest.

4. As a result of the violations noted in the Conclusions of Law, Respondent Matthew C. Anderson is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.
2. The certificate to practice as a substance abuse counselor issued to Matthew C. Anderson (certificate no. 15422-132) is **SUSPENDED** for a period of ninety (90) days from the date of this Order. This suspension is to be served concurrently with any suspension ordered in Case No. 16 CPC 15, and may be served retroactively in part or in full if an order is first issued in that case.
3. Respondent shall not engage in the practice of substance abuse counseling while his credential to do so is suspended.
4. The certificate to practice as a substance abuse counselor issued to Matthew C. Anderson (certificate no. 15422-132) is **LIMITED** as follows:
 - a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
 - ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year, for at least the first year of this Order. Thereafter, the Department may adjust the frequency of testing on its own initiative at any time.
 - iii. Respondent shall abstain from all personal use of alcohol.
 - iv. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when

prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Department or its designee. Copies of these releases shall immediately be filed with the Department Monitor.

- v. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 3(a)v.
- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Department or the Department's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Department or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- ix. Respondent shall practice only in a work setting pre-approved by the Department or its designee.

- x. Respondent shall provide his employer with a copy of this Order before engaging in any employment as a substance abuse counselor. Respondent shall provide the Department Monitor with written acknowledgment from each employer in which Respondent is employed as a substance abuse counselor that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- xi. Respondent shall not work as a substance abuse counselor in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor with written acknowledgment from each employer in which Respondent is employed as a substance abuse counselor that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each employer in which Respondent is employed as a substance abuse counselor.

5. The Department or its designee may, without hearing, suspend Respondent's substance abuse counselor certificate upon receipt of information that Respondent is in substantial or repeated violation of any provision of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violations of the same provision or violation of more than one provision.

6. The Department or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Department or its designee.

7. After the first year from the date of this Order, Respondent may petition the Department on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, Respondent may petition the Department for return of full certificate. The Department may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

8. Within 120 days from the date of this Order, Matthew C. Anderson shall pay COSTS of this matter in the amount of \$316.00.

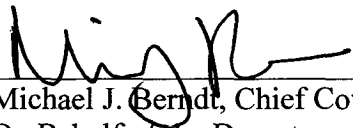
9. Any requests, documents and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

10. 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 enroll in an approved drug and alcohol monitoring program, fails to comply with the requirements for participation in an approved drug and alcohol monitoring program, fails to timely submit documents, or fails to submit payment of the costs as ordered, Respondent's certificate (no. 15422-132) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has enrolled in an approved drug and alcohol monitoring program, complied with the requirements for participation in an approved drug and alcohol monitoring program, submitted required documents to the Department and complied with payment of costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Counsel
On Behalf of the Department

9/15/16
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
MATTHEW C. ANDERSON, :
RESPONDENT. :

0004932

Division of Legal Services and Compliance Case No. 16 RSA 011

Respondent Matthew C. Anderson 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 Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

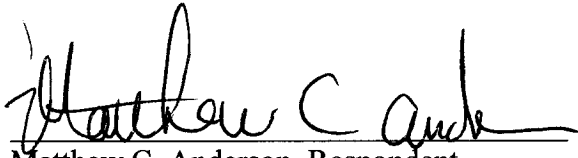
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

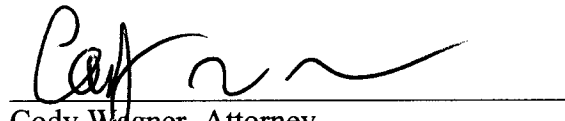
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



Matthew C. Anderson, Respondent
1721 Hatch St.
Eau Claire, WI 54701
Certificate no. 15422-132

9-07-16
Date



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

9/15/16
Date