

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

KELLY M. KELLER,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

0005180

Division of Legal Services and Compliance Case No. 16 CPC 036

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

Kelly M. Keller
605 – 8th Street
Prairie du Sac, WI 53578

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 Kelly M. Keller, DOB August 23, 1984, is licensed in the state of Wisconsin to practice professional counseling in training, having license number 3227-226, first issued on September 8, 2016 and current through September 8, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 605 – 8th Street, Prairie du Sac, Wisconsin 53578.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor in training at a county jail, located in Baraboo, Wisconsin.

3. On August 10, 2016 and August 17, 2016, Respondent provided crisis counseling to Client A, an adult male inmate in a county jail awaiting transfer to prison. There is no evidence that boundary violations occurred while Respondent provided mental health services to Client A.

4. On August 18, 2016, Client A transferred to prison. Between August 18, 2016 and September 27, 2016, Respondent corresponded with Client A via letter, sent non-explicit photographs to him and engaged in multiple telephone conversations with him.

5. Respondent wrote letters, the content of which was inappropriate for a professional counselor to exchange with a client.

6. Respondent has admitted the conduct and that it was improper. She recognizes how her conduct could be harmful to the client. She has not had contact with Client A since September 2016, and appropriately expresses remorse.

7. On September 28, 2016, at her own initiative Respondent began weekly counseling sessions and has attended community support group meetings. According to her counselor, Respondent is motivated and insightful, and she is making good progress. Objectives of counseling include strengthening healthy boundaries, exploring countertransference, and grief work. Respondent's counselor recommends bi-weekly supportive individual therapy and community support groups.

8. On October 7, 2016, Respondent satisfactorily completed continuing education on the topic of Ethics and Boundaries in Rural Practice, which the National Association of Social work has approved for four (4) credit hours.

9. 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, Kelly M. Keller engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. As a result of the above violations, Kelly M. Keller is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.
2. The license to practice professional counseling in training in the state of Wisconsin issued to Kelly M. Keller, (license number 3227-226) is **SUSPENDED** for six (6) months retroactive to October 1, 2016. After six months from the date of this Order and upon petition by Respondent, the suspension shall be terminated. The Department Monitor shall remove and or terminate the suspension of Respondent's license after six (6) months from the date of this Order.
3. The license to practice professional counseling in training in the state of Wisconsin issued to Kelly M. Keller, (license number 3227-226) is **LIMITED** to prohibit work in corrections settings, as follows:
 - a. Respondent may not work in a corrections setting or with corrections clients for at least two (2) years from the date of this Order. After two (2) years, Respondent may petition the Section to alter or remove this limitation.
 - b. The Section's monitoring liaison may remove or amend this limitation upon Respondent's petition if the monitoring liaison is satisfied that doing so does not present an unacceptable risk to a client or the public.
 - c. The monitoring liaison's decision of whether or not to remove or amend this limitation is discretionary and is not subject to review.
4. The license to practice professional counseling in training in the state of Wisconsin issued to Kelly M. Keller, (license number 3227-226) is **LIMITED** to require continued counseling for at least one year, as follows:
 - a. Respondent shall continue in counseling on a bi-weekly basis for at least one (1) year from the date of this Order. After one (1) year, and with a favorable recommendation from her counselor, Respondent may petition the Section to amend or remove this limitation.
 - b. For a period of at least one (1) year, Respondent shall attend bi-weekly (every other week) meetings of Al-Anon or other community support groups. After one (1) year, and with a favorable recommendation from her counselor, Respondent may petition the Section to amend or remove this limitation.
 - c. The Section's monitoring liaison may remove or amend this limitation upon Respondent's petition if the monitoring liaison is satisfied that doing so does not present an unacceptable risk to a client or the public.
 - d. The monitoring liaison's decision of whether or not to remove or amend this limitation is discretionary and is not subject to review.

5. The license to practice professional counseling in training in the state of Wisconsin issued to Kelly M. Keller, (license number 3227-226) is further LIMITED to require remedial education as follows:

- a. Within six (6) months of the date of this Order, Respondent shall successfully complete twelve (12) hours of education on the subject of ethics and boundaries in professional practice. The course(s) must be pre-approved by the Section's monitoring liaison. 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 (30) 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 petitioned for its removal and has satisfied the Section's monitoring liaison that Respondent has successfully completed the preapproved education.

6. The license to practice professional counseling in training in the state of Wisconsin issued to Kelly M. Keller, (license number 3227-226) is further LIMITED to require Respondent to work under the supervision of a credentialed mental health professional for a period of at least two (2) years from the date of this Order. After two (2) years, and with a favorable recommendation from the supervisor, Respondent may petition the Section's monitoring liaison for removal of this limitation.

- a. The Section's monitoring liaison may remove or amend these limitations upon Respondent's petition if the monitoring liaison is satisfied that doing so does not present an unacceptable risk to a client or the public.
- b. The decision of whether or not to remove or amend this limitation is discretionary and is not subject to review.

7. Requests for preapproval of proposed remedial education, proof of successful course completion, petitions for removal or amendment of limitations 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

8. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$194.00.

9. 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. In the event that Respondent violates any term of this Order, Respondent's license (no. 3227-226) to practice professional counseling in training in the state of Wisconsin may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Section may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

11. 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

2/13/17
Date

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

KELLY M. KELLER,
RESPONDENT.

STIPULATION

0005180

Division of Legal Services and Compliance Case No. 16 CPC 036

Respondent Kelly M. Keller 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. The proposed Final Decision and Order provides for a retroactive suspension that will commence before the Section will have an opportunity to accept or reject the parties' Stipulation. Respondent knows, understands and agrees that the Section may reject the parties' Stipulation, including the provision providing for the retroactive suspension. Respondent has voluntarily and knowingly elected to serve the suspension before the Section's consideration of the Stipulation because she believes that doing so is beneficial to her rehabilitation.

6. 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.

7. 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.

8. 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.

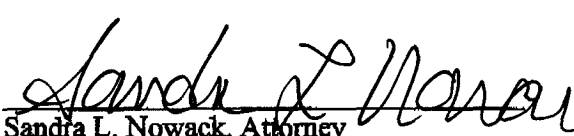
9. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Kelly M. Keller, Respondent
605 - 8th Street
Prairie du Sac, WI 53578
License no. 3227-226

11.16.16

Date



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

11/16/16

Date