

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
KELLY R. SCHOEN, C.S.A.C., :
RESPONDENT. :

0005182

Division of Legal Services and Compliance Case No. 16 RSA 043

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

Kelly R. Schoen, C.S.A.C.
206 Court St.
Chilton, WI 53014-1127

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 Kelly R. Schoen, C.S.A.C., DOB October 18, 1986, is certified in the state of Wisconsin as a clinical substance abuse counselor, having certificate number 15741-132, first issued on January 23, 2013, and current through February 28, 2017. Respondent's most recent address on file with the Department is 206 Court Street, Chilton, Wisconsin 53014-1127.

2. Respondent is also certified as a substance abuse counselor, having certificate number 15477-131, first issued on January 5, 2009. This certificate expired on February 28,

2013, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2018.

3. At all times relevant to this proceeding, Respondent was employed as a clinical substance abuse counselor at a behavioral health clinic (the clinic), located in Green Bay, Wisconsin.

4. On September 12, 2016, Respondent's employer attempted to get Respondent credentialed with an insurance company.

5. Respondent's employer was informed that the insurance company could not verify Respondent's bachelor's degree from Lakeland College as listed on her resume.

6. Respondent's employment with the clinic requires a bachelor's degree.

7. When asked, Respondent explained that she was only "enrolled" at Lakeland College and received her bachelor's degree from the University of Wisconsin – Green Bay (UWGB).

8. Respondent provided her employer with what appeared to be a copy of her bachelor's degree purportedly from UWGB.

9. Respondent's employer was unable to verify Respondent's bachelor's degree with UWGB.

10. Between September 13, 2016 and October 6, 2016, Respondent told her employer several times that she had a bachelor's degree and that there was not a problem with her degree.

11. On October 28, 2016, Respondent's employer requested that Respondent produce the original bachelor's degree and official transcript.

12. On October 31, 2016, Respondent submitted her resignation letter to her employer and admitted that she did not have a bachelor's degree.

13. On November 1, 2016, UWGB confirmed that the copy of Respondent's bachelor's degree she submitted to her employer was fictitious.

14. As a result of Respondent's conduct, the clinic may be liable for Respondent's billing to insurance companies and may have to pay back the money they received.

15. 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, Kelly R. Schoen, C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(f), by performing or offering to perform services for which the substance abuse professional is not qualified by education, training or experience.

3. By the conduct described in the Findings of Fact, Kelly R. Schoen, C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(i), by engaging in false, fraudulent, misleading or deceptive behavior associated with the practice as a substance abuse professional.

4. As a result of the violations noted in the Conclusions of Law, Respondent Kelly R. Schoen, C.S.A.C., is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The certificates to practice as a substance abuse counselor in the state of Wisconsin issued to Kelly R. Schoen, C.S.A.C., (certificate numbers 15741-132 and 15477-131) are **SUSPENDED** for six (6) months from the date of this Order.

3. The certificates to practice substance abuse counseling issued to Kelly R. Schoen, C.S.A.C., (certificate numbers 15741-132 and 15477-131) are **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of remedial education on the topic of ethics offered by a provider pre-approved by the Department's monitoring liaison, including taking and passing any exam offered for the courses.
- b. All education completed pursuant to this Order shall be taken in-person. Education, such as webinar, online, or self-study shall not be approved.
- c. 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.
- d. 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 Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- e. This limitation shall be removed from Respondent's certificates after satisfying the Department that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$221.00.


5. 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

6. In the event that Respondent violates any term of this Order, Respondent's certificates (numbers 15741-132 and 15477-131) to practice substance abuse counseling in the state of Wisconsin may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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.

7. 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

2/10/17

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
KELLY R. SCHOEN, C.S.A.C., :
RESPONDENT. :

000518-2

Division of Legal Services and Compliance Case No. 16 RSA 043

Respondent Kelly R. Schoen, C.S.A.C., 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.

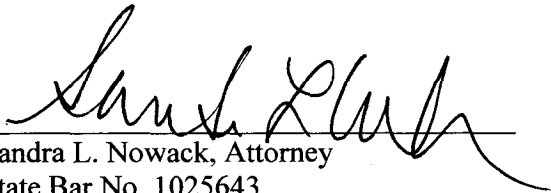
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Kelly R. Schoen, C.S.A.C., Respondent
206 Court St.
Chilton, WI 53014-1127
Certificate nos. 15741-132 and 15477-131

02/05/17

Date



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sandra.nowack@wisconsin.gov

2/8/17

Date