

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

CAROL J. RODDY, C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005199

Division of Legal Services and Compliance Case No. 15 RSA 033

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

Carol J. Roddy, C.S.A.C.
W9061 Coventry Ct.
Beaver Dam, WI 53916

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

Division of Legal Services and Compliance
Wisconsin 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 Carol J. Roddy, C.S.A.C., DOB December 29, 1950, is certified in the state of Wisconsin to practice substance abuse counseling, having certification number 11055-132, first issued on August 17, 2004 and current through February 28, 2017. Before the Department licensed substance abuse counselors, the Wisconsin Certification Board credentialed Respondent as a Certified Alcohol/Drug Counselor II between 1997 and August 17, 2004. Respondent's most recent address on file with the Department is W9061 Coventry Court, Beaver Dam, Wisconsin 53916.

2. At all times relevant to this proceeding, Respondent was employed part-time as a substance abuse counselor at an agency (the agency) that provided contracted counseling services to the Department of Corrections (DOC), located in Beaver Dam, Wisconsin. She had no physical office provided by the agency or DOC, but rather worked out of an office in her home, and met clients at locations provided by third parties.

Prior Discipline

3. On January 15, 2002, the Wisconsin Certification Board suspended Respondent's credential for six (6) months and she was required to successfully complete an ethics workshop specific to boundary violations based on the following conduct:

- a. Respondent was employed by a counseling practice as a substance abuse counselor. Mr. and Mrs. A, friends of Respondent, received counseling through the same counseling practice, but in a different facility.
- b. Respondent stipulated that while Mr. and Mrs. A were in counseling at the practice, she engaged in a romantic relationship with Mr. A, and allowed him to move into her home.

15 RSA033

4. On August 2, 2015, Respondent's employment at the DOC-contracted treatment agency was terminated.

5. Sometime in 2015, Respondent helped the former girlfriend of a community corrections client move his belongings from a private residence where he had engaged in domestic violence. Respondent had provided treatment to the client while he was in the community; however DOC was in the process of revoking his parole because of the domestic violence. The former girlfriend obtained Respondent's agency-issued cell phone number from the client and begged for her assistance. The contact with the woman occurred while Respondent was not in pay status. Respondent had no contact with the client during this event. She did not document the contact, nor did she report the contact to anyone at DOC.

6. During a July 7, 2015 meeting between DOC and the agency, the DOC alleged that Respondent provided her DOC clients with her personal telephone number and encouraged them to call her for support.

7. After the agency terminated Respondent's employment, she contacted her former clients and informed them that the agency had terminated her employment and she would no longer be doing groups. She contends that she believed she had a duty to notify them that their professional relationship had ended.

8. One client was distraught that Respondent would not be counseling him any longer. Respondent needed to retrieve some non-confidential work-related handouts and worksheets stored at the third-party site where she had provided group counseling. She asked him to meet her there. Respondent processed with the client the fact that these things happen. The client asked how he could keep receiving AODA counseling from her. Respondent told him

of the faith-based counseling service where she volunteered, and suggested she might be able to continue seeing him there. Respondent did not document or report this interaction.

9. The agency for which Respondent worked contends that it barred employees from providing cell phone numbers--whether personal or employer-issued cell phones--directly to clients, to protect against boundary violations, including non-romantic boundary violations. Respondent contends that this was not her understanding, and that the agency was aware that she communicated with clients by cell phone. With regard to the employer-provided cell-phone, the documentation from the agency merely stated that the cell phone provided to Respondent was "for work related purposes in carrying out [her] job duties" and that she was "to use it for work related issues only."

10. Respondent denies any wrongdoing, and specifically denies she violated any boundaries, had dual or other relationships that could impair her objectivity or create a conflict of interest, practiced below professional standards, or created or contributed to the risks described in Paragraph 12 below.

11. Based on the above-described facts, the Department finds that Respondent committed boundary violations and practiced below professional standards.

12. In committing the non-sexual boundary violations, Respondent created the unacceptable risk that: she or others would be harmed; that subsequent treatment would be less effective due to the clients' misplaced loyalty to Respondent; and that the client's community corrections officers would have insufficient information to adequately supervise the clients.

13. 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, Carol J. Roddy, C.S.A.C., 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.

3. By the conduct described in Finding of Fact, Paragraph 7, Carol J. Roddy, C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(t), by failing to maintain adequate records relating to services provided a patient in the course of a professional relationship.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent, Carol J. Roddy, C.S.A.C., (certificate no. 11055-132) is hereby REPRIMANDED.
3. The certificate to practice as a substance abuse counselor issued to Carol J. Roddy, C.S.A.C., (certificate no. 11055-132) is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete fifteen (15) hours of remedial education on the topic of boundaries offered by a provider pre-approved by the Department's monitoring liaison, including taking and passing any exam offered for the courses. Courses taken without preapproval shall NOT be accepted to complete this requirement.
 - b. Education used to satisfy this limitation shall be taken in-person and shall not be taken through webinar, on-demand or other format.
 - 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 certificate after satisfying the Department that Respondent has successfully completed all of the ordered education.
4. The certificate to practice as a substance abuse counselor issued to Carol J. Roddy, C.S.A.C., (certificate no. 11055-132) is further LIMITED as follows:
 - a. Respondent shall not have contact with any client outside of the business hours of the practice setting in which she is employed.
 - b. Respondent shall ensure that clients have access to emergency care outside of the normal business hours and the emergency care shall not be provided by Respondent, unless the employer notifies the Department Monitor, in writing and in advance of any contact, that such contact is required by the employer.
 - c. Respondent shall not provide clients with her personal telephone number, email address or other means of contacting her except as authorized in writing by her employer.

- d. After five (5) years, upon confirmation to the Department Monitor from her supervisor that these conditions are being met, and with no further instances of unprofessional conduct, Respondent may petition the Department for removal of his limitation. The decision of whether or not to remove this limitation is in the sole discretion of the Department.

5. The certificate to practice as a substance abuse counselor issued to Carol J. Roddy, C.S.A.C., (certificate no. 11055-132) is further LIMITED as follows:

- a. Respondent shall provide her current employer with a copy of this Order upon receipt of the signed Order. Respondent shall provide any future employer with a copy of this Order before engaging in any substance abuse counseling employment. Respondent shall provide the Department Monitor with written acknowledgment from each employer 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.
- b. For a period of two years, Respondent shall practice as a substance abuse counselor only under the supervision of a licensed substance abuse counselor, social worker or other licensed health care provider.
- c. After two years, with a favorable recommendation from her supervisor, Respondent may petition the Department to remove this limitation.
- d. The Department may remove this limitation if its representative is satisfied that Respondent is capable of engaging in solo practice without exposing her clients to unacceptable risks of harm, including boundary violations.

6. Within six months from the date of this Order, Carol J. Roddy, C.S.A.C., shall pay COSTS of this matter in the amount of \$1,000.00.

7. Any documents, reports, request for preapproval of courses, proof of successful course completion, notification from employers, 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:

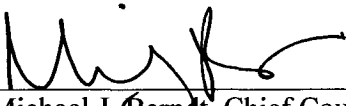
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. In the event that Respondent violates any term of this Order, Respondent's certificate (no. 11055-132) 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.

9. 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

3/3/17

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CAROL J. RODDY, C.S.A.C.,
RESPONDENT.

STIPULATION

0005199

Division of Legal Services and Compliance Case No. 15 RSA 033

Respondent Carol J. Roddy, 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. Respondent is represented by Tamara Packard.

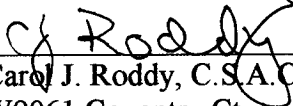
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent 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 or Respondent's attorney, 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.

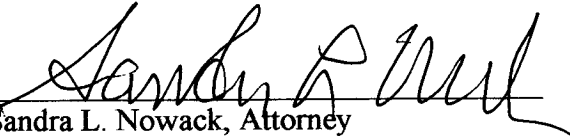

Carol J. Roddy, C.S.A.C., Respondent
W9061 Coventry Ct.
Beaver Dam, WI 53916
Certificate no. 11055-132

02-14-2017
Date

Approved as to form:


Tamara Packard, Attorney for Respondent
Cullen Weston Pines & Bach, LLP
122 W. Washington Ave., Ste. 900
Madison, WI 53703

2/17/17
Date


Sandra L. Nowack, Attorney
State Bar No. 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

2/17/17
Date