

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

KAY E. SPICER, C.S.A.C., I.C.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005735

Division of Legal Services and Compliance Case No. 17 RSA 008

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

Kay E. Spicer, C.S.A.C., I.C.S.
823 West Pleasant Street
Portage, WI 53901

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 Kay E. Spicer, C.S.A.C., I.C.S., (DOB February 25, 1949) is certified in the state of Wisconsin to practice clinical substance abuse counseling, having certification number 1842-132, first issued on June 17, 1994, and current through February 28, 2019. Respondent is also certified as an independent clinical supervisor, having certification number 11859-135, first issued on February 6, 2001, and current through February 28, 2019. Respondent's most recent address on file with the Department is 823 West Pleasant Street, Portage, Wisconsin 53901.

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

3. In early February 2017, Respondent's employer reviewed her patient files in preparation for a state audit on February 27, 2017.

Patient M.S.

4. The file for Patient M.S. contained a treatment plan dated January 5, 2017. The treatment plan contained Respondent's signature and the purported signature of Patient M.S.

5. Patient M.S.'s file contained another treatment plan dated January 20, 2017. This treatment plan contained Respondent's signature and the purported signature of M.S.

6. The signature of Patient M.S. on the treatment plans appeared to be different.

7. Respondent's billing for Patient M.S. shows a service date of January 19, 2017, not January 20, 2017.

8. When questioned by her employer on February 9, 2017, Respondent admitted to forging Patient M.S.'s signature on the treatment plan dated January 20, 2017.

Patient P.C.

9. On January 5, 2017, Patient P.C. had an appointment scheduled with Respondent at 10:00 a.m. The Clinic schedule showed that Patient P.C. did not attend her appointment.

10. Respondent completed progress notes for Patient P.C. dated January 5, 2017, as though she had met with P.C.

11. Respondent recorded statements purportedly said by Patient P.C. during the session.

12. Respondent recorded that Patient P.C. stated she continued to drink alcohol, and that she rated her mood on that day as a 5 out of 10.

13. Respondent's billing for Patient P.C. indicates she was seen on December 15, 2016, and next on February 21, 2017. There is no billing for January 2017.

Patient C.S.

14. Patient C.S.'s file contained a "clinical collaboration/supervision log" indicating that Respondent collaborated with Dr. S. on December 29, 2016, regarding Patient C.S.

15. The notes were signed by Dr. S. and dated December 29, 2016. According to the clinic schedule, Dr. S. was not at the clinic on December 29, 2016. The handwriting of the date purportedly written by Dr. S. and Respondent appeared to be the same.

Medical Impairment

16. Respondent suffered from short term memory loss as a result of weaning off of a prescription medication. She states this is the reason she put incorrect dates of service in progress notes.

17. Respondent states she has no memory regarding the issues involving client's signatures on treatment plans.

18. 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(6), 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, Kay E. Spicer, C.S.A.C., I.C.S., 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, Kay E. Spicer, C.S.A.C., I.C.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(i), by engaging in false, fraudulent, misleading or deceptive behavior associate with the practice as a substance abuse professional, including reporting, falsifying, or inappropriately altering patient records.

4. By the conduct described in the Findings of Fact, Kay E. Spicer, C.S.A.C., I.C.S., 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.

5. As a result of the violations noted in the Conclusions of Law, Respondent Kay E. Spicer, C.S.A.C., I.C.S., 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 clinical substance abuse counselor and an independent clinical supervisor issued to Kay E. Spicer, C.S.A.C., I.C.S., (certificate no. 1842-132 and certificate no. 11859-135) are SUSPENDED indefinitely from the date of this Order.

3. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of ethics and four (4) hours of education on the topic of documentation or record keeping offered by a provider pre-approved by the Department's monitoring liaison, including taking and passing any exam offered for the courses.

4. 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.

5. 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.

6. The Department shall remove this limitation from Respondent's license when Respondent has petitioned the Department and has satisfied the Department's monitoring liaison that Respondent has successfully completed the preapproved education.

7. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$536.00.

8. 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 (certificate no. 1842-132 and certificate no. 11859-135) to practice substance abuse counseling and as an independent clinical supervisor 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: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Counsel
On Behalf of the Department

4-26-2018
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
:
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:
:

STIPULATION

KAY E. SPICER, C.S.A.C., I.C.S.,
RESPONDENT.

0005735

Division of Legal Services and Compliance Case No. 17 RSA 008

Respondent Kay E. Spicer, C.S.A.C., I.C.S., 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.

Kay E. Spicer
Kay E. Spicer, C.S.A.C., I.C.S., Respondent
823 West Pleasant Street
Portage, WI 53901
Certificate nos. 1842-132 and 11859-135

04-12-2018
Date

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

4/12/2018
Date