

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

CLIFFORD J. KUSTER, M.S., L.C.P.
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0805804

Division of Legal Services and Compliance Case No. 16 CPC 047

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

Clifford J. Kuster, M.S., L.C.P.
13835 39th Ave.
Chippewa Falls, WI 54729-5028

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 Clifford J. Kuster, M.S., L.C.P. (DOB August 14, 1960) is licensed in the state of Wisconsin to practice professional counseling, having license number 3241-125, first issued on November 27, 2002, and current through February 28, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 13835 39th Avenue, Chippewa Falls, Wisconsin 54729-5028.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a correctional facility located in Stanley, Wisconsin.

3. On September 28, 2016, Respondent, in the course of providing treatment to incarcerated sex offenders, disclosed personal information that was inconsistent with the competent practice of professional counseling.

4. Respondent acknowledges that the disclosure was unprofessional. He explains that he has a serious medical condition and that on the date of the incident, a medication issue caused him to use bad judgment and exhibit poor impulse control.

5. On September 28, 2016, Respondent had a serious medical condition. The Division has been unable to confirm or disprove that the unprofessional conduct was caused by the medical condition.

6. On February 13, 2018, Respondent provided a statement from his treating physician which indicates that Respondent does not currently suffer from any medical condition, which, if treated, renders him unable to safely and reliably engage in practice as a professional counselor.

7. 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, Respondent Clifford Kuster, M.S., L.C.P., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(9), by engaging in practice as a professional counselor while impaired as the result of an illness which impaired his ability to appropriately carry out the practice of a professional counselor in a manner consistent with the safety of a client, patient or the public.

3. As a result of the above violations, Respondent Clifford Kuster, M.S., L.C.P. is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Clifford Kuster, M.S., L.C.P., license number 3241-125, is **REPRIMANDED**.

3. The license to practice professional counseling issued to Respondent Clifford Kuster, M.S., L.C.P., license number 3241-125 is **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of professional ethics, offered by a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam offered for the courses.
- b. 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.
- c. 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 Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license upon Respondent petitioning the Section and satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

4. Within one hundred eighty (180) days from the date of this Order, Respondent Clifford Kuster, M.S., L.C.P., shall pay COSTS of this matter in the amount of \$746.81.

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 license (no. 3241-125) to practice professional counseling 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.

7. 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: Larry Schneider (D) De
A Member of the Section

Date 6/26/18

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

CLIFFORD J. KUSTER, M.S., L.P.C.
RESPONDENT.

STIPULATION

0005804

Division of Legal Services and Compliance Case No. 16 CPC 047

Respondent Clifford J. Kuster, M.S., L.P.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.

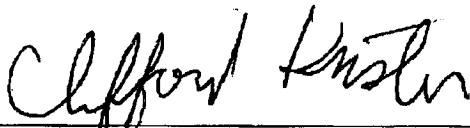
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent
to the entry of the attached Final 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. 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.

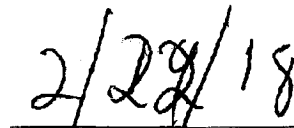
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's 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.

7. 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.

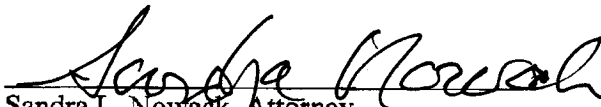
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



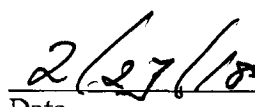
Clifford Kuster, Respondent
13835 39th Ave.
Chippewa Falls, Wisconsin



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



Date