

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MARRIAGE AND FAMILY THERAPIST SECTION OF THE MARRIAGE
AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JACOB PEPPER, M.S., L.A.M.F.T.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0005820**

Division of Legal Services and Compliance Case No. 17 MFT 004

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

Jacob Pepper, M.S., L.A.M.F.T.
5945 Lars Road
Eau Claire, WI 54701

Marriage and Family Therapist 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 Marriage and Family Therapist 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 Jacob Pepper, M.S., L.A.M.F.T., DOB August 29, 1986, is licensed in the state of Wisconsin to practice marriage and family therapy, having license number 1167-124, first issued on December 13, 2017, and current through February 28, 2019. Respondent also holds a license to practice as a marriage and family therapist in training, license number 420-228, which

was granted on August 26, 2014, and which expires on August 26, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5945 Lars Road, Eau Claire, Wisconsin 54701.

2. At all times relevant to this proceeding, Respondent was employed as a marriage and family therapist in training at a clinic located in Eau Claire, Wisconsin.

3. On September 16, 2016, Respondent's 13-month-old son died.

4. In late June and into early July, 2017, Respondent reported to his employer that he continued to suffer with anxiety, depression, and other trauma-related symptoms associated with the death of his son. He acknowledged that his symptoms of distractibility, disorganization, and emotional reactivity had become unmanageable and compromised his performance as a marriage and family therapist in training.

5. Respondent was under the care of a mental health professional and ultimately was approved for leave under the Family Medical Leave Act (FMLA).

6. The FMLA leave was to commence July 18, 2017, approximately two weeks after the leave was approved. The intervening two weeks were to allow Respondent to responsibly transition his cases.

7. On approximately July 14, 2017, one of Respondent's clients disclosed alleged child maltreatment, which mandated a report of suspected child maltreatment.

8. When a client reports suspected child maltreatment, Respondent's employing agency has several requirements that include: a progress note containing all disclosed details of the allegation; a report and consultation with the immediate supervisor; a Serious Incident Report for internal purposes; a report to the county worker involved with the case; and contact with a county Access worker.

9. The county Access worker receives, analyzes, and documents reports of alleged child maltreatment, for purposes of, among other things, determining the urgency of the response.

10. Respondent completed all tasks associated with the agency's requirements for mandated reports, however he failed to contact the county Access worker.

11. On July 19, 2017, Respondent became aware of his error when a county Access worker reported to Respondent's employer that Respondent never filed the mandated report, nor did he provide the social worker with documentation.

12. Respondent recognizes the serious nature of his error and takes responsibility for it.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Marriage and Family Therapist 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, 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, Jacob Pepper, M.S., L.A.M.F.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(9), by practicing or attempting to practice marriage and family therapy while impaired as a result of an illness which impaired his ability to appropriately carry out the functions of a marriage and family therapist in a manner consistent with the safety of a client, patient, or the public.

3. As a result of the above violation, Jacob Pepper, M.S., L.A.M.F.T. is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice marriage and family therapy and marriage and family therapy in training issued to Jacob Pepper, M.S., L.A.M.F.T. (license numbers 1167-124 and 420-228) are LIMITED to require Respondent to obtain a fitness to practice evaluation under the following terms:

- a. Respondent shall undergo an evaluation by a mental health care professional who is competent to determine whether or not Respondent currently possesses a mental health condition which, if untreated, renders Respondent unable to practice marriage and family therapy with reasonable skill and safety to patients.
- b. The evaluator must be preapproved by the Section's designee, under the following terms:
- c. Before undergoing the evaluation, Respondent shall submit to the Department Monitor a copy of the evaluator's curriculum vitae, and copies of professional licenses and certifications held.
- d. The evaluator must be a licensed doctorate-level psychologist who is certified in a relevant field of practice by the American Board of Professional Psychology or a licensed psychiatrist who is certified in a relevant field of practice by the American Board of Psychiatry and Neurology. At the discretion of the Board's designee, additional experience in a relevant field of practice may be substituted for Board certification. At the discretion of the Section's designee, alternate Board recognitions, such as fellowships, may also be substituted for Board certification.

- e. The evaluator shall have had a minimum of ten years of experience in the practice of psychology or psychiatry, and may not have been previously disciplined by any credentialing authority.
- f. While the evaluator remains responsible for the final evaluation, the evaluator may delegate testing or other components of the evaluation to other mental health professionals who the evaluator deems competent to conduct those tests or perform the delegated task.
- g. The exact tests chosen for administration are within the discretion of the evaluator. However, the evaluation must include a comprehensive interview of the individual and the use of rating scales, neuropsychological testing, and personality tests.¹
- h. The evaluation shall include an assessment of Respondent's ability to appropriately manage symptoms of profound grief, including but not limited to depression, anxiety, distractibility, and disorganization.
- i. Within thirty (30) days of the completion of the evaluation, a written report regarding the results shall be submitted to the Department Monitor.
- j. The evaluator shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice marriage and family therapy with reasonable skill and safety.
- k. The evaluator shall identify specific mental health treatment goals, if any, which must be met before Respondent is able to practice marriage and family therapy with reasonable skill and safety.
- l. The evaluator's opinions and conclusions must be rendered to a degree of reasonable professional certainty.
- m. Respondent must provide the evaluator with a copy of this Order.
- n. Respondent shall authorize release directly to the evaluator of records of mental health evaluations, diagnosis, treatment and treatment summaries that

¹ Commonly used tests include the Beck Anxiety Inventory, Beck Depression Inventory-II, Brief Psychiatric Rating Scale (BPRS), Bums Anxiety Inventory, Bums Depression Inventory, Hamilton Anxiety Rating Scale, Hamilton Depression Rating Scale, Inventory to Diagnose Depression, Profile of Mood States (POMS), State-Trait Anxiety Inventory (STAI), Symptom Checklist-90-Revised, Taylor Manifest Anxiety Scale, Yale-Brown Obsessive-Compulsive Scale, Kaufman Adolescent and Adult Intelligence Test, Rorschach, Wechsler Adult Intelligence Scale-III or IV (WAIS-III or WAIS-IV), Wechsler Memory Scale IV (WMS-IV), Category Test, Continuous Performance Test, Halstead-Reitan Neuropsychological Test Battery, MMPI2, NEO Personality Inventory, PAI, and the Thematic Apperception Test.

Respondent has undergone since September 1, 2016, and such other records that the evaluator determines are necessary to a competent evaluation.

- o. Respondent is responsible for the costs associated with the evaluation.
- p. Respondent shall authorize the evaluator to discuss the results of the evaluation with the Section or its designee.
- q. Upon review of the fitness to practice evaluation report, the Section or its designee may suspend or limit Respondent's license to practice marriage and family therapy as necessary to assure he is capable of practicing with reasonable skill and safety. This is a discretionary determination and is not subject to review.

3. Within ninety (90) days from the date of this Order, Jacob Pepper, M.S., L.A.M.F.T. shall pay COSTS of this matter in the amount of \$538.61.

4. Requests for approval of the evaluator, the results of the fitness to practice evaluation, 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

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (numbers 1167-124 and 420-228) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submitted proof of successful completion of the ordered education.

6. This Order is effective on the date of its signing.

MARRIAGE AND FAMILY THERAPIST SECTION OF THE WISCONSIN MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING
BOARD

by: Linda Pellmar (D)
A Member of the Section

Date 7/24/18

STATE OF WISCONSIN
BEFORE THE MARRIAGE AND FAMILY THERAPIST SECTION OF THE MARRIAGE
AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JACOB PEPPER, M.S., L.A.M.F.T.,	:	
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 17 MFT 004

Respondent Jacob Pepper, M.S., L.A.M.F.T., 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.

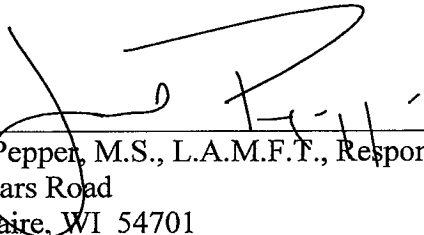
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Marriage and Family Therapist Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached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

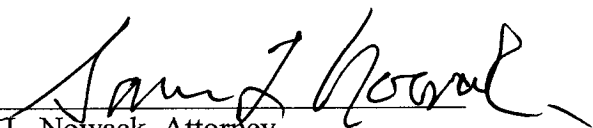
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Jacob Pepper, M.S., L.A.M.F.T., Respondent
5945 Lars Road
Eau Claire, WI 54701

Date 4/2/18



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

Date 4/4/18