

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARY B. APPEL, L.P.C.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:  
: **0006026**

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Division of Legal Services and Compliance Case No. 17 CPC 039

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

Mary B. Appel, L.P.C.  
P.O. Box 992  
Bayfield, WI 54814

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 Mary B. Appel, L.P.C., (DOB: August 8, 1948) is licensed in the state of Wisconsin to practice professional counseling, having license number 4892-125, first issued on September 19, 2012, and current through February 28, 2019. Respondent's most recent

address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 992, Bayfield, Wisconsin 54814.

2. At all times relevant to this proceeding, Respondent was employed as a licensed professional counselor at a community clinic (Clinic), located in Ashland, Wisconsin and as an advocate one day a month at a shelter (Shelter), located in Ashland, Wisconsin.

3. In April 2017, while working at the Shelter, Respondent encouraged a working relationship between Patient A and Patient B.

4. Respondent disclosed to Patient A that Patient B was being treated by Respondent without a release of information from Patient B, in violation of H.I.P.A.A.

5. 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, Mary B. Appel, L.P.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(10), by revealing facts, data, information, records or communication received from a client in a professional capacity.

3. As a result of the above violations, Mary B. Appel, L.P.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Mary B. Appel, L.P.C., is REPRIMANDED.

3. The license to practice professional counseling issued to Mary B. Appel, L.P.C., (license number 4892-125) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of H.I.P.A.A., 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 after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Mary B. Appel, L.P.C., shall pay COSTS of this matter in the amount of \$353.00

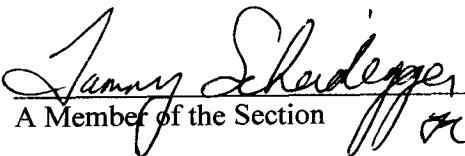
5. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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 license (no. 4892-125) 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:   
A Member of the Section

1/29/2019  
Date

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARY B. APPEL, L.P.C.,  
RESPONDENT.

STIPULATION

0006026

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Division of Legal Services and Compliance Case No. 17 CPC 039

Respondent Mary B. Appel, 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. Respondent  
is represented by Attorney Colleen M. Daly.

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

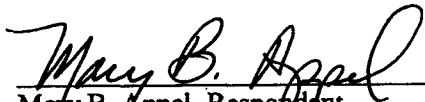
or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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.

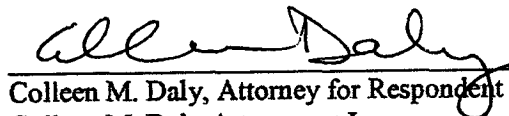
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's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

  
Mary B. Appel, Respondent  
P.O. Box 992  
Bayfield, WI 54814  
License no. 4892-125

6.20.18  
Date

  
Colleen M. Daly, Attorney for Respondent  
Colleen M. Daly Attorney at Law  
249 Rittenhouse Avenue  
P.O. Box 1316  
Bayfield, WI 54814

6/19/18  
Date

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

7/2/2018  
Date