

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

KIMBERLY J. LOHMAN, L.P.C., C.S.A.C., I.C.S.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
:
0006027

Division of Legal Services and Compliance Case No. 16 CPC 020

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

Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S.
2658 Oakcrest Circle
Sun Prairie, WI 53590

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 Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., (dob November 11, 1964) is licensed in the state of Wisconsin to practice professional counseling, having license number 6019-125, first issued on April 4, 2016, and current through February 28, 2019. Respondent is certified in the state of Wisconsin to practice clinical substance abuse counseling, having certificate number 15896-132, first issued on January 21, 2015, and current through

February 28, 2019. Respondent is licensed in the state of Wisconsin to practice as an intermediate clinical supervisor for professional counseling, having license number 15467-134, first issued on February 17, 2017, and current through February 28, 2019.¹

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2658 Oakcrest Circle, Sun Prairie, Wisconsin 53590.

3. At all times relevant to this proceeding, Respondent was employed as the director at an outpatient and residential treatment facility (the Facility) located in Baraboo, Wisconsin. The Facility is medically monitored by a licensed physician and certified by the Department of Health Services (DHS) under Wis. Admin. Code ch. DHS 35 and Wis. Admin. Code §§ DHS 75.11, 75.12, and 75.13.

4. Respondent assumed the role of director-designee on August 16, 2015, and assumed the role of director on September 27, 2015. In these roles, Respondent was Social Worker C's supervisor at the Facility.

5. In January 2016, Social Worker C became the clinical supervisor for Respondent as she completed the supervised practice requirement to obtain full licensure in professional counseling.

6. In addition to her duties as director, Respondent also provided counseling to patients with dual diagnoses.

Client A

7. On February 8, 2016, Respondent approved the admission of Client A with dual diagnoses to the Facility. The intake assessment completed by Respondent indicated that Client A suffered from substance abuse disorder, bipolar disorder, schizoaffective disorder, and depression. Client A was also experiencing suicidal ideation.

8. The documented treatment plan contained in the clinical record, prepared by Respondent, did not address suicidality or staff monitoring of the client, though staff was emailed by Respondent on February 8, 2016, to assess for suicidality three (3) times per day.

9. The clinical record for Client A did not include a mental health assessment as required by Wis. Admin. Code § DHS 75.11(6)(b) or indicate that Client A was receiving at least

¹ Respondent is also licensed in the state of Wisconsin to practice professional counseling in training, having license number 1917-226, first issued on October 16, 2013. This license expired on October 16, 2017, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until October 15, 2022. Respondent is certified in the state of Wisconsin to practice as a substance abuse counselor in training, having certificate number 16013-130, first issued on March 24, 2010. This certificate expired on February 28, 2015, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2020. Respondent is certified in the state of Wisconsin to practice as a clinical supervisor in training for substance abuse counseling, having certificate number 15616-133, first issued on January 26, 2016, and expired on February 28, 2017. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2022.

one hour of individual counseling per week as required by Wis. Admin. Code § DHS 75.11(6)(f)1.

10. On May 10, 2016, Respondent was interviewed by the DHS. Respondent acknowledged she did not provide the required one hour of individual counseling per week as required by Wis. Admin. Code § DHS 75.11(6)(f)1 and was not maintaining up-to-date progress notes as required by Wis. Admin. Code § MPSW 20.02(18).

Client B

11. On May 3, 2016, Respondent approved the admission of Client B with dual diagnoses to the Facility. Client B was on a mental health commitment order from Dane County, Wisconsin.

12. On May 10, 2016, the physician working with Client B documented an anticipated discharge date of May 17, 2016.

13. On May 10, 2016, an "insurance note" document shows contact with Client B's insurance provider to reauthorize reimbursement for care between May 10 and May 16, 2016.

14. On May 10, 2016, Client B learned of the intent to discharge her from the program before May 17, 2016, and requested to remain. The request was denied by Respondent.

15. On May 11, 2016, Client B was involuntarily discharged from the residential program. Respondent told Client B's family that the "state wants [her] out."

16. Client B's discharge summary, written by Respondent, stated the reason for discharge as the client needed a higher level of mental health intervention.

17. Client B was not referred to a higher level of care that could meet her needs.

18. Client B's clinical record does not document challenges faced in attempting to meet client's mental health needs, as required by Wis. Admin. Code § DHS 75.03(16)(a).

19. Respondent acknowledged to DHS staff that she did not provide the one hour of individual counseling per week as required by Wis. Admin. Code § DHS 75.11(6)(f)1 and was not maintaining up-to-date progress notes as required by Wis. Admin. Code § MPSW 20.02(18).

20. 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 Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. By the conduct described in the Findings of Fact, Respondent Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(18), by failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

4. By the conduct described in the Findings of Fact, Respondent Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2), by violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential, namely Wis. Admin. Code § DHS 75.03(16)(a) and Wis. Admin. Code § DHS 75.11(6)(f)1.

5. By the conduct described in the Findings of Fact, Respondent Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., made a false statement in practice, violating Wis. Admin. Code § MPSW 20.02(7), by telling a client's family the "state wants [her] out," when the client's discharge summary, written by Respondent, stated the client was being discharged because she needed a higher level of mental health intervention.

6. As a result of the above violations, Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., is REPRIMANDED.
3. The license to practice professional counseling issued to Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., (license number 6019-125) is LIMITED as follows:
 - a. Respondent Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., must comply with all of the requirements of the Final Decision and Order entered in the Division of Legal Services and Compliance Case Number 16 RSA 017.
 - b. The Department shall remove this limitation from Respondent's license when Respondent has petitioned the Department and has satisfied the Department or its designee that Respondent has successfully complied with all of the requirements of the Final Decision and Order entered in the Division of Legal Services and Compliance Case Number 16 RSA 017.
8. Within ninety (90) days from the date of this Order, Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S., shall pay COSTS of this matter in the amount of \$583.00.

9. 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:

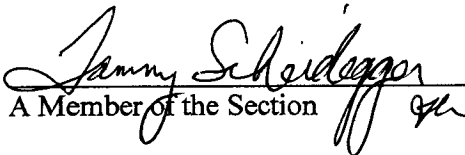
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

10. In the event that Respondent violates any term of this Order, Respondent's license (license number 6019-125) 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.

11. 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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

KIMBERLY J. LOHMAN, L.P.C., C.S.A.C., I.C.S., :
RESPONDENT. :

STIPULATION

0006027

Division of Legal Services and Compliance Case No. 16 CPC 020

Respondent Kimberly J. Lohman 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 Thayer Bryant.
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.

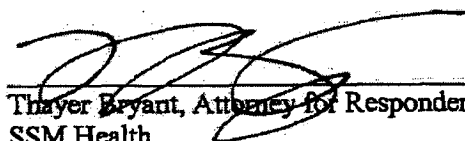
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's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


Kimberly J. Lohman, L.P.C., C.S.A.C., I.C.S.
Respondent
2658 Oakcrest Cir.
Sun Prairie, WI 53590
License no. 6019-125

4-10-18
Date


Thayer Bryant, Attorney for Respondent
SSM Health
1808 W. Beltline Highway
Madison, WI 53713

6/21/18
Date


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

6/21/18
Date