

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	:	
	:	FINAL DECISION AND ORDER
MARY E. MILLER, L.P.C.,	:	
RESPONDENT.	:	ORDER 000640U

Division of Legal Services and Compliance Case Nos. 16 CPC 056, 17 CPC 001, 17 CPC 002, 17
CPC 008, and 17 CPC 009

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

Mary E. Miller, L.P.C.,
W10445 Hwy 16 #21
Portage, WI 53901

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 E. Miller, L.P.C., (DOB: July 6, 1954) is licensed in the state of Wisconsin to practice professional counseling, having license number 2321-125, first issued on October 25, 1995, and current through February 28, 2021. Respondent's most recent address on

file with the Wisconsin Department of Safety and Professional Services (Department) is W10445 Highway 16, Number 21, Portage, Wisconsin 53901.

2. At all times relevant to this proceeding, Respondent was an Owner/Director at a therapy center (Center) in Madison, Wisconsin.

3. By contract, Respondent collected 10% of all money the Center staff received for their services when billing under Respondent's National Provider Identifier (NPI) number. Employee M requested several times to be put on insurance panels which would allow her to bill under her own name and NPI number. Respondent either failed to respond or denied these requests.

4. Respondent stated that only staff-in-training would use an NPI number other than their own for billing as a way of compensating Respondent for "supervision" fees.

5. Center staff were required to submit clinic-generated "insurance forms" for billing which would be used by clinic personnel to submit claims to insurance companies and third party payers. Provider staff had no control over which NPI number was used on these submissions.

6. Employee M was fully licensed as an L.P.C. on October 31, 2015.

7. Respondent provided benefit statements from a third-party payer for dates of service from April 23, 2016 through September 12, 2016, purportedly rendered by Employee M. Of these twenty-nine (29) statements, Employee M was not listed as the rendering provider. In twenty-three (23) statements, Respondent's NPI number was used, four (4) statements used the clinic's NPI number, and an unrelated provider's NPI number was used for two (2) statements.

8. Per this same third-party payer, it is unacceptable to bill with an NPI number of a provider who did not render the service. While difficult to detect absent an audit, billing with another's NPI number is considered fraud. If the use of another's NPI number were to be detected, the payment would be denied.

9. 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 E. Miller, L.P.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(6), by engaging in false, fraudulent, deceptive or misleading billing practices.

3. By the conduct described in the Findings of Fact, Mary E. Miller, L.P.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(7), by reporting distorted, false, or misleading information or making false statements in practice.

4. As a result of the above violations, Mary E. Miller, L.P.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (g).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mary E. Miller, L.P.C., is REPRIMANDED.

3. The license to practice professional counseling issued to Mary E. Miller, L.P.C., (license number 2321-125) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of proper billing procedures, four (4) hours of education on the topic of proper documentation and record retention, and two (2) hours of education on 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 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 E. Miller, L.P.C., shall pay COSTS of this matter in the amount of \$625.00.

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

You may also submit them online via the Department's Monitoring Case Management System at
<https://app.wi.gov/DSPSMonitoring>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 2321-125) 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: Tammy H. Scheidegger
A Member of the Section

9/10/19
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

MARY E. MILLER, L.P.C.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006400

Division of Legal Services and Compliance Case Nos. 16 CPC 056, 17 CPC 001, 17 CPC 002,
17 CPC 008, 17 CPC 009

Respondent Mary E. Miller, 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

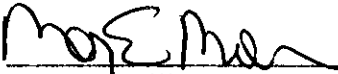
or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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.

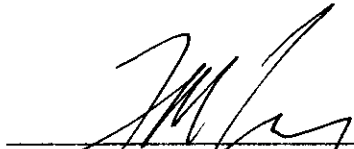
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Mary E. Miller, L.P.C., Respondent
W10445 Hwy 16 #21
Portage, WI 53901
License no. 2321-125

8/5/17

Date



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

8/15/19

Date