

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

SUZAN A.M. MCVICKER, L.P.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006491

Division of Legal Services and Compliance Case No. 18 CPC 026

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

Suzan A.M. McVicker, L.P.C.
2141 Chamberlain Ave.
Madison, WI 53726-3977

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 Suzan A.M. McVicker, L.P.C., (DOB September 18, 1947) is licensed in the state of Wisconsin to practice professional counseling, having license number 3334-125, first issued on August 15, 2003, and current through February 28, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2141 Chamberlain Avenue, Madison, Wisconsin 53726-3977.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a facility (Facility), located in Madison, Wisconsin.

3. On July 10, 2014, Patient A began weekly therapy with Respondent, either in person or via phone for 90-minute sessions. Respondent had laid out clear boundaries regarding out-of-session contact.

4. Beginning in early 2015, Respondent encouraged Patient A to email more frequently or call whenever Patient A needed her.

5. On August 23 and 24, 2015, Respondent and Patient A exchanged emails in which Respondent is referred to as "Tuden" and "Aunt Tuden."

6. On September 19, 2015, Respondent initiated texting with Patient A from her personal cell phone so they could keep in contact, even on vacations.

7. In January 2016, Respondent suggested that Patient A attend a rally with her outside of the Facility and out of session in Madison, Wisconsin.

8. On February 6, 2016, Respondent send the following email to Patient A: "Thanks for undoctored heart plant medicine. We are getting enough people who are coming to the Bear Clan Society gathering with Mike that we need to move livingroom [sic] furniture. Would you be able to come over at 12:30 that day to help me move our sectional and a few other things? Is your back up to this sort of stunt? If you came over early, that would give you a chance to get used to being in our home, too. Me in my natural habitat. Not too different from my office. Just bigger."

9. In June 2016, Patient A had attended a birthday celebration with a small group of close friends, including Respondent. Respondent had invited Patient A to several other events.

10. On October 5, 2016, an email exchange between Respondent and Patient A shows that Patient A session was spent moving furniture around in Respondent office and Respondent acknowledged having a dual relationship with Patient A. The final email in the chain is signed, "Love, hugs, and good wishes for a confident heart, [Respondent]."

11. On November 2, 2016, Patient A emailed Respondent inquiring as whether their friendship will end when therapy ends. Respondent replied, "Friendship on my end remains when [treatment] ends."

12. On November 3, 2016, Respondent followed up with the November 2, 2016, email, stating, "Anyway, I do hope my short message about enduring friendship feels supportive to you. You're a keeper. Our friendship is a keeper."

13. On December 21, 2016, at midnight, Respondent send an email to Patient A stating, "I'm ridiculously tired, yet, want you to know I love you, holiday craziness or no."

14. Respondent sent several emails during the course of therapy that were signed, "Love, [Respondent]."

15. On January 11, 2017, Respondent asked Patient A to go furniture shopping with her.

16. By the end of January 2017, Patient A felt as though Respondent didn't have an interest in continuing the client/therapist relationship any longer, so Patient A sought out another therapist to help extricate from therapy with Respondent.

17. On February 17, 2017, Respondent emailed Patient A stating, "I'm glad you are able to muster up some faith that I love you, that I'm here and not goin' anywhere!"

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

3. As a result of the above violations, Suzan A.M. McVicker, L.P.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Suzan A.M. McVicker, L.P.C., is REPRIMANDED.

3. The license to practice professional counseling issued to Suzan A.M. McVicker, L.P.C., (license number 3334-125) is LIMITED as follows:

- a. Within 120 days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of ethics and six (6) hours on the topic of boundaries 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, Suzan A.M. McVicker, L.P.C., shall pay COSTS of this matter in the amount of \$946.00.
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 this information online via the Department's Monitoring Case Management System at

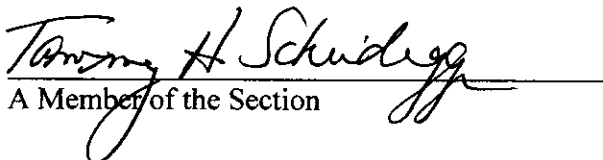
<https://app.wi.gov/DSPSMonitoring>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 3334-125) 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.

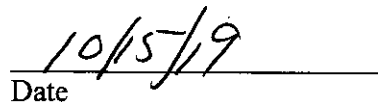
7. This Order is effective on the date of its signing.

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

by:


A Member of the Section

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

SUZAN A.M. MCVICKER, L.P.C.
RESPONDENT.

STIPULATION

ORDER 0006491

Division of Legal Services and Compliance Case No. 18 CPC 026

Respondent Suzan A.M. Mcvicker, 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 Richard Bolton.

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

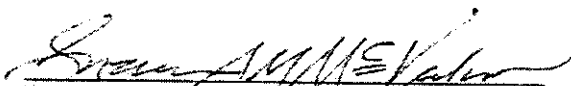
or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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.

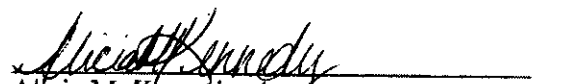
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.


Suzan A.M. Mcvicker, L.P.C., Respondent
2141 Chamberlain Ave.
Madison, WI 53726-3977
License no. 3334-125

5.31.19
Date


Richard Bolton, Attorney for Respondent
Boardman Clark
1 S. Pinckney St., Ste 410
Madison, WI 53701

6-3-19
Date


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

6/4/19
Date