

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIE M. BEHNKE, S.W., C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006683

Division of Legal Services and Compliance Case Nos. 18 RSA 032 and 19 RSA 023

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

Julie M. Behnke, S.W., C.S.A.C.
Tigerton, WI 54486

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Julie M. Behnke, S.W., C.S.A.C., (DOB XX-XX-1962) is credentialed in the state of Wisconsin to practice clinical substance abuse counseling, having credential number 15726-132, first issued on November 1, 2012, and current through February 28, 2021.¹ Respondent's most recent address on file with the Department is located in Tigerton, Wisconsin.

¹ Respondent is also credentialed in the state of Wisconsin as a social worker, having credential number 9400-120, first issued on April 16, 2007, and current through February 28, 2021.

2. From December 1, 2015, through June 19, 2018, Respondent was an independent contractor at a clinic (Clinic) with offices in Rhinelander, Wausau, and Merrill, Wisconsin.

3. Prior to the incident that gave rise to this matter, Respondent began providing Alcohol and Other Drug Abuse (AODA) counseling to Patient A as part of a driver safety requirement. Respondent provided treatment to Patient A on and off for approximately four (4) years.

4. Respondent felt that Patient A needed a higher level of care. On February 22, 2018, Respondent discharged Patient A from her care to the care of another professional at the Clinic.

5. Around this time, Respondent began serving as a “recovery coach” in the community, which provided an opportunity for sober coaches to meet with clients in the community.

6. When Patient A was discharged from Respondent’s care, Patient A and Respondent mutually agreed that Respondent would begin serving as Patient A’s recovery coach.

7. Respondent, as Patient A’s recovery coach, took Patient A to appointments, loaned money to Patient A, and helped Patient A move in with his family when he was evicted.

8. Respondent realized she “may have crossed major boundaries because it was bothering [Respondent] where it was affecting [Respondent’s] wellbeing.”

9. Respondent tried to distance herself from Patient A, but realized the relationship had gone too far and she did not know how to end it.

10. On June 18, 2018, Respondent reported the situation to her supervisor. Respondent stated she needed time to put a plan in place and needed the contact to end with Patient A.

11. In her response to the Department, Respondent stated that she has taken additional education on boundaries, accepts and owns that she did not follow appropriate professional guidelines and stated that she will never “do it again.”

12. On May 3, 2019, Respondent was sent a letter notifying her that the Social Worker Section of the Marriage and Family Therapy, Professional Counselor and Social Worker Examining Board would be considering whether to issue an administrative warning against her social work license regarding the above conduct. This administrative warning was issued July 23, 2019.

13. On June 19, 2019, Patient A’s current therapist at the Clinic expressed concerns regarding continued contact between Respondent and Patient A that began in April 2019.

14. Respondent and Patient A had phone contact, which Patient A initiated while intoxicated, and then several more phone contacts for the purposes of healing prior problems

between them as a result of Respondent giving support, case management, and personal help following Patient A's discharge from Respondent's care.

15. Respondent has also provided support to Patient A's family.

16. The minimum standard of care required of a clinical substance abuse counselor in Wisconsin required Respondent to cease contact with Patient A after he was discharged from her care.

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

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, 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 engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2) as any practice or behavior that violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(n), by failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest.

4. As a result of the violations noted in the Conclusions of Law, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Julie M. Behnke, S.W., C.S.A.C., is REPRIMANDED.

3. The credential to practice as a clinical substance abuse counselor issued to Julie M. Behnke, S.W., C.S.A.C., (credential no. 15726-132) is limited as follows:

- a. Within 180 days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of boundaries and four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Department's monitoring liaison, including taking and passing any exam offered for the courses.

- b. The Department's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- c. 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.
- d. 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 Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- e. Education completed to fulfill the requirements of any Order that may be entered in 19 SOC 049 may be used to fulfill these requirements.
- f. This limitation shall be removed from Respondent's credential after satisfying the Department that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Julie M. Behnke, S.W., C.S.A.C., shall pay COSTS of this matter in the amount of \$567.00.

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 DSPS' Monitoring Case Management System, here:

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

6. In the event that Respondent violates any term of this Order, Respondent's credential (no. 15726-132) to practice substance abuse counseling in the state of Wisconsin may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Alo. Rohmeyer
Aloysius Rohmeyer, Chief Counsel
On Behalf of the Department

2/21/2020
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIE M. BEHNKE, S.W., C.S.A.C.,
RESPONDENT.

STIPULATION

ORDER 0006683

Division of Legal Services and Compliance Case No. 18 RSA 032 and 19 RSA 023

Respondent Julie M. Behnke, S.W., C.S.A.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 Kristen Nelson.

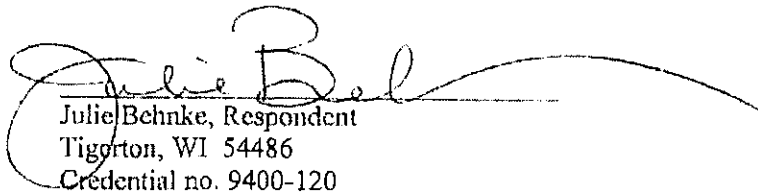
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department'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.

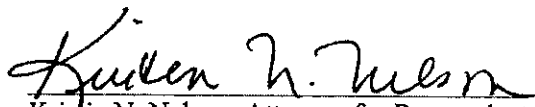
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's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


Julie Behnke, Respondent
Tigerton, WI 54486
Credential no. 9400-120

Date 12/12/2019


Kristin N. Nelson, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown, LLP
330 East Kilbourn Avenue, Suite 1170
Milwaukee, WI 53202

Date 12/13/2019


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

Date 12/26/2019