

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 THE LICENSE OF	:
	: FINAL DECISION AND ORDER
JULIA K. NIVER, L.P.C., C.S.A.C.,	: FOR REMEDIAL EDUCATION
LICENSEE.	:

ORDER 0007188

Division of Legal Services and Compliance Case No. 20 CPC 033

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

Julia K. Niver, L.P.C., C.S.A.C.
Plymouth, WI 53073

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. Licensee Julia K. Niver, L.P.C., C.S.A.C. (dob xx-xx-1963) is licensed in the state of Wisconsin to practice professional counseling, having license number 3459-125, first issued on June 10, 2004 and current through February 28, 2021.¹ Licensee's most recent address on file with

¹ Respondent Julia K. Niver, L.P.C., C.S.A.C., is also credentialed in the state of Wisconsin to practice as a clinical substance abuse counselor, having credential number 2322-132, first issued on December 12, 2000, and current through February 28, 2021.

the Wisconsin Department of Safety and Professional Services (Department) is in Plymouth, Wisconsin 53073.

2. At all times relevant to this proceeding, Licensee was employed as a professional counselor at a clinic, located in Plymouth, Wisconsin.

3. Licensee saw Patient A for professional counseling for approximately twenty-two treatment sessions between May 29, 2019 and July 15, 2020.

4. On July 15, 2020, Patient A presented for professional counseling as angry, frustrated, and anxious about the race issues that have recently erupted throughout the country, a shooting that occurred in Sheboygan, Wisconsin, and that her friend's beliefs differed from her own.

5. During the counseling session, Patient A and Licensee got into a disagreement. Patient A believed that Licensee was not listening to her, was discounting her fears and her beliefs, and was judging her.

6. Near the end of the treatment session, Licensee informed Patient A that based upon the events of the session, it may be best if Patient A received counseling from a different therapist.

7. On July 16, 2020, Licensee sent a text to Patient A that formally discharged her from professional counseling treatment with Licensee.

8. In resolution of this matter, Licensee 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).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Julia K. Niver, L.P.C., C.S.A.C. shall at her own expense take and successfully complete four (4) hours of education on the topic of racial/ethnic equity as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Section or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Section and for obtaining the required approval of the courses from the Section or its designee. Licensee must take and pass any exam offered for the course(s).

- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- 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 Section or Department.

3. Request for approval of courses and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

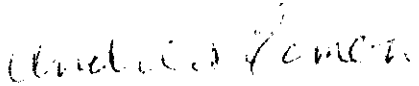
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

Licensee may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov/>

4. 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

26 January 2021

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

JULIA K. NIVER, L.P.C., C.S.A.C.,
LICENSEE,

STIPULATION

ORDER 0007182

Division of Legal Services and Compliance Case No. 20 CPC 033

Licensee Julia K. Niver, L.P.C., 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. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Licensee, 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 Licensee;
 - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
 - the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Christina Katt.
4. Licensee 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. Licensee 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 Licensee or Licensee'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. Licensee 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 Licensee in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.


Julia K. Niver, L.P.C., C.S.A.C., Licensee
Plymouth, WI 53073
License no. 3459-125

11/9/2020
Date


Christina Katt, Attorney for Licensee
Wilson Elser Moskowitz Edelman & Dicker, LLP
740 N. Plankinton Ave., Ste 600
Milwaukee, WI 53203

11/9/20
Date


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

11/18/2020
Date