

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

PETER L. MAYO, L.P.C., C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER UUU7314**

Division of Legal Services and Compliance Case No. 20 RSA 042

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

Peter L. Mayo, L.P.C., C.S.A.C.
Oshkosh, WI 54904

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Peter L. Mayo, L.P.C., C.S.A.C. (Respondent), (Year of Birth 1975) is licensed in the state of Wisconsin to practice professional counseling, having license number 3461-125, first issued on June 15, 2004, and current through February 28, 2023. Respondent is also certified as a clinical substance abuse counselor, having certificate number 15332-132, first issued on November 5, 2008, and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54904.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor, in private practice, in Oshkosh, Wisconsin.

3. Respondent provided therapy to a female patient (Patient A) on six occasions from November 23, 2019, through December 28, 2019.

4. On or about January 28, 2020, Patient A and Respondent engaged in sexual contact at Respondent's apartment. On or about January 29 or 30, 2020, Respondent and Patient A engaged in sexual intercourse at Respondent's apartment.

5. Beginning in mid-December 2019 through September 6, 2020, Respondent and Patient A spoke by cell phone on at least nine (9) occasions. During that same time period, Respondent called Patient's A's cell phone on approximately seven (7) occasions, in addition to the nine (9) cell phone conversations.

6. In January 2020, Respondent advised Patient A that he could lose his license as a result of their relationship.

7. Beginning in mid-December 2019 through September 6, 2020, Respondent discussed with Patient A his personal life and sexual activity and status that was not related to or germane to the patient/treater relationship.

8. Respondent's medical records contained false information concerning how the patient/treater relationship ended. In addition, Respondent's progress notes for each treatment session for Patient A were handwritten, consisted of only three brief sentences summarizing each treatment session, and most were not legible.

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

CONCLUSIONS OF LAW

1. The Department 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)(m), by engaging in inappropriate sexual contact with a patient. For the purposes of this subsection, an adult shall continue to be a patient for two (2) years after termination of the professional services.

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)(t), by failing to maintain adequate records.

4. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent's certificate to practice as a clinical substance abuse counselor in the state of Wisconsin (certificate number 15332-132), and Respondent's appurtenant right to renew such certificate is **SUSPENDED** for one (1) year from the date of this Order.

3. Respondent's certificate to practice as a clinical substance abuse counselor in the state of Wisconsin (certificate number 15332-132), and Respondent's appurtenant right to renew such certificate is **LIMITED** as follows:

- a. Within six (6) months of the date of this Order, Respondent shall successfully complete twelve (12) hours of education on the topic of ethics and boundaries for counselors offered by a provider pre-approved by the Department, 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 related to Respondent's clinical substance abuse counselor certificate or professional counselor license.
- d. The Department may change the number of credit hours and/or education topics in response to a request from Respondent. The Department may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- e. This limitation shall be removed from Respondent's certification after satisfying the Department or its designee that Respondent has successfully completed all ordered education.

4. The certificate to practice as a clinical substance abuse counselor (certificate number 15332-132), and Respondent's appurtenant right to renew such certificate, is further **LIMITED** as follows:

- a. Within six (6) months of the date of this Order, Respondent shall, at his own expense, undergo a fitness for practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit for practice. The fitness for practice evaluation shall evaluate Respondent's fitness for practice as a clinical substance abuse counselor and professional counselor.
 - i. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.

- ii. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- iii. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with his ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
- iv. Respondent shall execute necessary documents authorizing the Department to obtain records of the evaluation, and to discuss Respondent and her case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Department or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Department.
- v. If the Evaluator determines that Respondent is not fit for practice or is fit for practice with limitations, the Department or its designee may suspend Respondent's clinical substance abuse counselor credential until Respondent provides proof sufficient to convince the Department or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- vi. If the Evaluator determines that Respondent is fit for practice or is fit for practice with limitations, the Department or its designee may limit Respondent's clinical substance abuse counselor credential in a manner to address any concerns the Department or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
 - 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Department or its designee, to address specific treatment goals, with quarterly reports to the Department by the therapist.
 - 2. Additional professional education in any identified areas of deficiency.

3. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Department, with periodic reports to the Department by the supervisor.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$907.00.

6. Requests for approval of courses, proof of successful course completion, petitions, payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), and any other request related to this Order 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

7. In the event that Respondent violates any term of this Order, Respondent's certificate to practice as a clinical substance abuse counselor in the state of Wisconsin (certificate number 15332-132), and Respondent's appurtenant right to renew such certificate 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.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

4-16-21
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STIPULATION

PETER L. MAYO, L.P.C., C.S.A.C.,
RESPONDENT.

Division of Legal Services and Compliance Case No. 20 RSA 042

Peter L. Mayo, L.P.C., C.S.A.C. (Respondent), 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 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 Department 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 Department, the parties agree not to contend that the Department 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 Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Department adopt this Stipulation, the Department'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 Department adopt this Stipulation and issue the attached Final Decision and Order.



Peter L. Mayo, L.P.C., C.S.A.C., Respondent
Oshkosh, WI 54904
License No. 15332-132



Date



Gretchen Mrozinski, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/16/2021

Date