

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

JENNIFER L. DAVIS, L.P.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007340

Division of Legal Services and Compliance Case No. 19 CPC 035

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

Jennifer L. Davis, L.P.C.
Milwaukee, WI 53215

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. Jennifer L. Davis, L.P.C. (Respondent), (Year of Birth 1979) is licensed in the state of Wisconsin to practice professional counseling, having license number 5632-125, first issued on February 5, 2016, and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Milwaukee, Wisconsin 53215.

2. At all times relevant to this proceeding, Respondent was employed as the Program Director and Care Coordinator at a Wisconsin county facility located in Milwaukee, Wisconsin (Facility). The Facility focuses on helping people recover who have a mental health and/or a substance use diagnosis.

3. On or about June 3, 2019, the Facility discharged Respondent for allegedly falsifying various documents, engaging in boundary violations, improperly disclosing protected patient health care information, improperly admitting individuals into programs which individuals had familial or personal ties to current employees of the Facility, and failing to perform administrative duties.

4. The Division of Legal Services and Compliance investigated the Facility's allegations and concluded that Respondent acted as follows:

- a. On one or more occasions, Respondent advised a subordinate to enter incorrect information concerning a client/patient of the Facility into a Facility databank.
- b. On one or more occasions, Respondent asked a subordinate to perform personal errands for her and/or her family; at least one occasion occurred during work hours where the subordinate asked another worker to cover for her while the subordinate assisted Respondent with a personal matter.
- c. On one or more occasions, Respondent discussed Facility client/patient health care information in the presence of Respondent's family members.
- d. On one occasion, Respondent signed a subordinate's name on clinical documentation without permission or knowledge of the subordinate.
- e. On one or more occasions, Respondent admitted and/or allowed individuals to continue in Facility programs who had personal or familial relationships with Facility employees.
- f. On one occasion, Respondent asked a subordinate to impersonate Child Protective Services to deceive Respondent's husband.

5. 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, Respondent 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.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(10), by revealing facts, data, information, records, or communication received from a client in a professional capacity.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(22), by committing gross negligence in practice in a single instance, or negligence in practice in more than one instance.

6. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice professional counseling in the state of Wisconsin issued to Respondent (license number 5632-125) is **SUSPENDED** for seven (7) days beginning April 25, 2021, through May 1, 2021.

3. The license to practice professional counseling issued to Respondent (license number 5632-125) is **LIMITED** as follows:

- a. Within four (4) months of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of ethics, six (6) hours of education on the topic of boundaries, and four (4) hours of education on the topic of privacy of patient records, offered by a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam offered for the courses. The Section's monitoring liaison may approve a variation in education topics and hours (not to exceed 16 hours) in the liaison's discretion.
- 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. The license to practice professional counseling issued to Respondent (license number 5632-125) is further LIMITED for a period of at least two (2) years as follows:

- a. Prior to commencing practice, Respondent shall provide a copy of this order, and all other subsequent orders, immediately to supervisory personnel at all employment settings where Respondent performs work involving mental health issues, or where her job requires her to be licensed as a professional counselor, currently or in the future.
- b. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each employment setting in which Respondent performed work involving mental health issues, or where her job required her to be licensed as a professional counselor, in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active counseling practice worked during that quarter. If a report indicates less than satisfactory performance, the Section may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
- c. Respondent shall work only under supervision, and only in a work setting pre-approved by the Section monitoring liaison, when employed in a capacity where Respondent performs work involving mental health issues, or where her job requires her to be licensed as a professional counselor.
- d. Respondent's current independent contractor status, as a telehealth counselor, on a part-time basis of fifteen (15) hours per week, is excluded from the requirements in paragraph 4(a through c). However, should the terms and conditions of the current contract work change, Respondent shall first obtain approval from the Section monitoring liaison prior to continuing work for the current contractor. Should Respondent's contract with the current contractor terminate, Respondent shall obtain pre-approval from the Section monitoring liaison before beginning new contract work. The Section monitoring liaison may approve or deny future contract work in its discretion.
- e. Respondent's current employment as a Mental Health Supervisor for a Wisconsin non-profit is approved employment. However, should Respondent's current employment terminate, any future employment must first be approved by the Section monitoring liaison prior to Respondent beginning new employment. The Section monitoring liaison may approve or deny future employment in its discretion.

5. Respondent may petition the Section on an annual basis for modification of the terms of this Order; however, no such petition for modification shall occur earlier than one (1) year from the date of this Order.

6. Within six (6) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1888.00.

7. Any requests, petitions, reports, payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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

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

8. In the event that Respondent violates any term of this Order, Respondent's license (no. 5632-125) 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.

9. 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: Andria Simon
A Member of the Section

20 April 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

JENNIFER L. DAVIS, L.P.C.,
RESPONDENT.

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STIPULATION

ORDER 0007340

Division of Legal Services and Compliance Case No. 19 CPC 035

Respondent Jennifer L. Davis, 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.


Jennifer L. Davis, L.P.C. Respondent
Milwaukee, WI 53215
License no. 5632-125

2/22/21
Date


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

2/22/2021
Date