

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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11STATE 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 :
 : FINAL DECISION AND ORDER
LYDIA J. HAKER, L.P.C., L.P.C.-I.T., S.A.C.-I.T., :
RESPONDENT. : **ORDER 0007480**

Division of Legal Services and Compliance Case No. 19 CPC 023

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

Lydia J. Haker, L.P.C., L.P.C.-I.T., S.A.C., I.T.
De Pere, WI 54115

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 Lydia J. Haker, L.P.C., L.P.C.-I.T., S.A.C.-I.T., (DOB: XX/XX/1989) is licensed in the state of Wisconsin to practice professional counseling, having license number 7079-125, first issued on August 30, 2018 and current through February 28, 2023. Respondent is also licensed in the state of Wisconsin to practice as a licensed professional counselor in-training,

having license number 3537-226, first issued on May 31, 2017 and current through May 31, 2021.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in De Pere, Wisconsin 54115.

2. At all times relevant to these proceedings, Respondent was employed as a counselor in-training at a facility located in Sheboygan, Wisconsin (Facility).

3. Respondent counseled Patient A in individual and group settings from early 2018 through July 2018.

4. The Department received a complaint stating an intimate relationship ensued between Respondent and Patient A.

5. Respondent admitted to inappropriate physical contact with Patient A but stated the contact not consensual as she and her family was being threatened by Patient A who had a history of drug and violent crimes.

6. Respondent's session notes with Patient A did not document any of the threatening or assaultive behavior alleged by Respondent.

7. Respondent did not report the alleged threatening or assaultive behavior to supervisors or law enforcement.

8. On July 25, 2018, Respondent noted in Patient A's final session note that his prognosis was "excellent" and the anticipated need for continued care was "unlikely."

9. 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(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(18), by failing to

¹ Respondent is also certified in the state of Wisconsin to practice as a substance abuse counselor in-training, having certificate number 18435-130, first issued on December 12, 2017 and current through February 28, 2021.

maintain adequate records relating to services provided a client in the course of a professional relationship.

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

ORDER

1. The attached Stipulation is accepted.
2. The licenses to practice professional counseling in the state of Wisconsin issued to Respondent, (license numbers 7079-125 and 3537-226) are SUSPENDED for 30 days from the date of this Order.
3. Within six (6) months of the date of this Order, Respondent shall at her own expense take and successfully complete eight (8) hours of education on the topic of boundaries and ethics with content focusing on dual relationships.
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Section or its designee. Respondent 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. Respondent must take and pass any exam offered for the course(s).
 - b. Respondent 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. 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.
4. Prior to returning to the practice of professional counseling, Respondent shall, at her 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:
 - a. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
 - b. 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.
 - c. 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 her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.

- d. Respondent shall execute necessary documents authorizing the Division 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 Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- e. If the Evaluator determines that Respondent is not fit for practice or is fit for practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board 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.
- f. If the Evaluator determines that Respondent is fit for practice or is fit for practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board 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:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
 - ii. Additional professional education in any identified areas of deficiency.
 - iii. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- g. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

5. Upon returning to practice, Respondent must have weekly supervision and mentoring with a board-approved credential holder for one (1) full year after her return to practice.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1500.00.

7. 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

8. In the event that Respondent violates any term of this Order, Respondent's licenses (nos. 7079-125 and 3537-226, respectively) 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

07/21/2021
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

LYDIA J. HAKER, L.P.C., L.P.C.-I.T., S.A.C.-I.T.,
RESPONDENT.

STIPULATION

ORDER 0007480

Division of Legal Services and Compliance Case No. 19 CPC 023

Respondent Lydia J. Haker, L.P.C., L.P.C.-I.T., S.A.C.-I.T., 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 Stacie Rosensweig.

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.

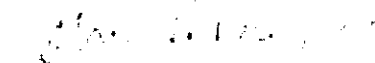
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.




Lydia Haker, Respondent
DePere, WI 54115
License nos. 7079-125 & 3537-226

4-26-2021
Date



Stacie Rosenzweig, Attorney for Respondent
Halling & Cayo SC
320 E. Buffalo St., Ste 700
Milwaukee, WI 53202

04/28/2021
Date



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

04/29/2021
Date