

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 :
ELIZABETH J. ZIOLKOWSKI, L.P.C., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
: **ORDER U007482**

Division of Legal Services and Compliance Case No. 19 CPC 051

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

Elizabeth J. Ziolkowski, L.P.C.
Sturgeon Bay, WI 54235

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. Elizabeth J. Ziolkowski, L.P.C. (Licensee), (Year of Birth 1990) is licensed in the state of Wisconsin to practice professional counseling, having license number 6354-125, first issued on February 14, 2017 and current through February 28, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Sturgeon Bay, Wisconsin 54235.

2. At all times relevant to this proceeding, Licensee was employed as a professional counselor at a county agency, located in Sturgeon Bay, Wisconsin (Agency).

3. In 2017, 2018, and 2019, on nearly 300 occasions, Licensee signed and provided information for billing to insurance companies for client services without any notes reflecting visits for those clients. Licensee had written for all the notes "see addendum," but no addendum was added.

4. Licensee maintains that there were handwritten notes documenting each client visit, but that she had not had time to enter them into the electronic charting system that was used for billing. However, the Agency identified 183 clients that did not have handwritten notes documenting Licensee's office visits.

5. On August 22, 2019, Licensee was terminated from her position at the Agency.

6. 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, Elizabeth J. Ziolkowski, L.P.C., shall, at her own expense, take and successfully complete four (4) hours of education on the topic of mental health documentation 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. 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dspsmonitoring.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: Andrea 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 THE LICENSE OF
ELIZABETH J. ZIOLKOWSKI, L.P.C.,
LICENSEE

STIPULATION

ORDER 0007482

Division of Legal Services and Compliance Case No. 19 CPC 051

Elizabeth J. Ziolkowski, L.P.C. (Licensee) 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 Bjorn A. Johnson.


4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Professional Counselor Section of The 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.

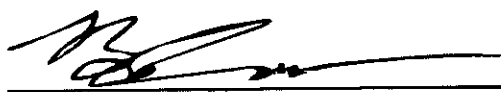
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Licensee or Licensee's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


Elizabeth J. Ziolkowski, L.P.C., Licensee
Sturgeon Bay, WI 54235
License No. 6354-125

4/19/2021
Date


Bjorn A. Johnson, Attorney for Licensee
Pinkert Law Firm, LLP
454 Kentucky Street
P.O. Box 89
Sturgeon Bay, WI 54235

4/20/2021
Date


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

04/20/2021
Date