

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 APPLICATION FOR A	:	
SUBSTANCE ABUSE COUNSELOR-IN-	:	
TRAINING LICENSE	:	
	:	ORDER GRANTING
	:	LIMITED LICENSE
ALICIA FISHLOCK,	:	
APPLICANT.	:	ORDER 0007963

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

Alicia Fishlock
Janesville, WI 53546

Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Wisconsin Department of Safety and Professional Services (Department) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Alicia Fishlock (Applicant) filed an application (#780837) for a Substance Abuse Counselor-in-Training license on or about September 30, 2021.

2. Information received in the application process establishes that Applicant has the following convictions:

- A. On or about August 1, 2005 – DUI Reduced to Reckless-ALC/Drug Related, a misdemeanor conviction.
 - i. Applicant drove a vehicle under the influence of controlled substances.
- B. On or about September 12, 2013 – Impaired Driving, a misdemeanor conviction.
- C. On or about September 12, 2013 – Accident Involving Property Damage, Duties of Operator, a misdemeanor conviction.
 - i. Applicant drove a vehicle under the influence of alcohol after leaving a friend's home and hit the bumper of a parked car.
- D. On or about January 22, 2020 – Refuse to Take Test for Intoxication After Arrest, an ordinance violation.

- E. On or about September 30, 2020 – OWI (2nd w/ Passenger < 16 Yrs Old) a misdemeanor conviction.
 - i. Law enforcement responded to a report of a vehicle that was emitting sparks and did not have its lights on while being operated. Law enforcement tracked the vehicle to Applicant's location. The vehicle was missing both passenger side tires, and the front end had extensive damage. Applicant was found in the home where the vehicle was located. She was intoxicated and indicated she drove her two minor children to the park.

3. Pursuant to her September 2020 conviction, Applicant was ordered to undergo an Alcohol and Other Drug Abuse (AODA) assessment. Applicant submitted a copy of her Order for Assessment and Driver Safety Plan which contained an assessment finding of Alcohol Dependency. Applicant was required to complete AODA outpatient treatment and a Victim Impact Panel by September 19, 2020.

4. Applicant completed AODA outpatient treatment on August 6, 2020, and reports that she has been sober since that time. Applicant also reports maintaining additional support to address any sobriety related concerns (attends SMART Recovery programs, uses relapse prevention plan).

5. Applicant's AODA treater submitted a letter stating that Applicant continues to attend individual therapy approximately twice a month.

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

CONCLUSIONS OF LAW

1. The Department of Safety and Professional Services (Department) has jurisdiction over 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. Pursuant to Wis. Stat. § 440.88(6) and Wis. Admin. Code § SPS 164.01(2)(b), the Department may deny a Substance Abuse Counselor-in-Training license to a person who has engaged in unprofessional conduct including violating any law or rule that is substantially related to the practice of a substance abuse professional.

3. Pursuant to Wis. Stat. § 111.335(3)(a)(1), it is not employment discrimination because of conviction record to refuse to license, or to bar or terminate from licensing, any individual who has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

4. A substantial relationship occurs where "the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed." *County of Milwaukee v. Labor & Indus. Review Comm'n*, 139 Wis. 2d 805,824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the

opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

5. The facts and circumstances of the above-referenced convictions are substantially related to the practice of a Substance Abuse Counselor-in-Training.

- a. A Substance Abuse Counselor-in-Training works with a patient to address their substance use disorder through assessment, education, and counseling on addiction, treatment, and recovery.
- b. Applicant's convictions are substantially related to the practice of the profession. Applicant violated laws by using substances and subsequently operating vehicles. Applicant was recently convicted of a serious offense. She was also diagnosed with Alcohol Dependency. While she has completed treatment, and indicates she is sober, not enough time has passed for Applicant to demonstrate sufficient rehabilitation.

6. As a result of the above Findings of Fact and Conclusions of Law, Applicant's Substance Abuse Counselor-in-Training license is subject to limitations or denial, pursuant to Wis. Stat. § 400.88(6) and Wis. Admin. Code § SPS 164.01(2)(b).

ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Substance Abuse Counselor-in-Training license are necessary to ensure that Applicant is fit and competent to practice as a Substance Abuse Counselor-in-Training.

3. Applicant's ability to practice as a Substance Abuse Counselor-in-Training in the State of Wisconsin is LIMITED as follows:

- A. For a period of at least two (2) years from the date of this Order, Applicant shall comply with the following requirements relating to drug and alcohol monitoring:
 - i. Within thirty (30) days of the date of this Order, Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
 - ii. At the time Applicant enrolls in the Approved Program, Applicant shall review the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.

2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than twenty-six (26) times per year, (one (1) of which may be a hair test at the Department's discretion) for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
- iii. Applicant shall abstain from all personal use of alcohol.
 - iv. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department of Safety and Professional Services Monitor (Department Monitor).
 - v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
 - vi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that he may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 3.A.v.

- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
 - viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- B. For a period of at least two (2) years from the date of this Order, Applicant shall comply with the following AODA counseling:
- i. Within thirty (30) days of the date of this Order, Applicant shall provide proof to the Department Monitor that Applicant is continuing AODA counseling with an AODA counseling provider (Treater), whose credential is in good standing, and approved by the Department. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
 - ii. Applicant shall immediately provide Treater with a copy of this Order and all other subsequent orders.
 - iii. Applicant shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Department, its designee, and any employee of the Department to:
 - 1. Obtain all urine, blood, and hair specimen screen results and patient health care and treatment records and reports, and
 - 2. Discuss the progress of Applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.
 - iv. Applicant's treatment shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once a month. Therapy may end only upon a determination by the Department or its designee after receiving a petition for modification, including a recommendation from Treater expressly approving termination of therapy.
 - v. Treater shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to

serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Department or its designee.

- vi. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in the mental health treatment sessions, abstinence from all substances, and drug and alcohol testing. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

C. For a period of at least two (2) years from the date of this Order, Applicant shall comply with the following practice limitations:

- i. Applicant shall provide Applicant's substance abuse counseling employer with a copy of this Order before engaging in, or continuing to engage in, any substance abuse counseling employment. Applicant shall provide the Department Monitor with written acknowledgment from each substance abuse counseling employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- ii. Applicant shall practice only in a work setting pre-approved by the Department or its designee.
- iii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from Applicant's supervisor at each setting in which Applicant practiced substance abuse counseling in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active substance abuse counseling practice worked during that quarter. If a report indicates poor performance, the Department may institute additional limitations on Applicant's Substance Abuse Counselor-in-Training credential, in its discretion.
- iv. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- v. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR

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

Information may also be submitted online via the Department's Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>

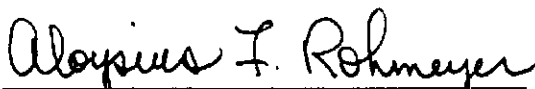
5. Applicant may petition the Department for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one (1) year. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department or its designee. Any such petition shall be accompanied by a written recommendation from Applicant's current employer and clinical supervisor. The Department may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

6. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license may, in the discretion of the Department or its designee, be **SUSPENDED**, without further notice or hearing. The Department or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Department or its designee. The Department may, in addition and/or in the alternative, refer any violation of this Order to the Department's Division of Legal Services and Compliance for further investigation and action.

7. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

Dated at Madison, Wisconsin this 9th day of May, 2022.



Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department of Safety
and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A
SUBSTANCE ABUSE COUNSELOR-IN-
TRAINING LICENSE

ALICIA FISHLOCK,
APPLICANT.

:
:
:
:
:
:

STIPULATION

ORDER 0007963

Applicant Alicia Fishlock and the Department of Safety and Professional Services stipulate as follows:

1. Applicant filed an application (#780837) for a Substance Abuse Counselor-in-Training license.

2. Information received by the Department reflects a basis for denial of Applicant's application.

3. Based upon the information of record, the Department agrees to issue and Applicant agrees to accept an Order granting a Substance Abuse Counselor-in-Training license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:

- the right to request a hearing related to the denial of the application;
- the right to confront and cross-examine the witnesses against Applicant;
- the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
- the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting

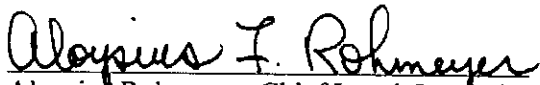
Limited License without further notice, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

7. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.



Alicia Fishlock, Applicant
Janesville, WI 53546
Application #780837

4/29/2022
Date



Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

05/09/2022
Date

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