

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

ANDREW P. SCHMITZ, L.P.C., C.S.A.C.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007 83

Division of Legal Services and Compliance Case No. 20 CPC 045

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

Andrew P. Schmitz, L.P.C., C.S.A.C.
Baraboo, WI 53913

Wisconsin Professional Counselor Section of the 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 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 Andrew P. Schmitz, L.P.C., C.S.A.C., (Year of Birth 1965) is licensed in the state of Wisconsin as a professional counselor, having license number 7287-125, first issued on February 28, 2019 and current through February 28, 2023.

2. Respondent is also licensed in the state of Wisconsin as a clinical substance abuse counselor (certificate number 16085-132); a substance abuse counselor in training (certificate number 16048-130); and a substance abuse counselor (certificate number 15961-131). The Department opened DLSC Complaint number 20 RSA 034 to investigate the allegations under his substance abuse counselor certificates.

3. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Baraboo, Wisconsin 53913.

4. At all times relevant to this matter, Respondent was employed at a health clinic (Facility) in Wisconsin.

5. As part of a performance improvement plan addressing noncompliance with timely documentation, the Facility conducted an audit of Respondent's patients' treatment records. The Facility noted an incomplete record which was missing a signed treatment plan.

6. Respondent does not dispute the allegations in this matter.

7. Respondent is not currently working as a professional counselor but intends to return to counseling work in the future.

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

CONCLUSIONS OF LAW

1. The Section 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. Per Wis. Admin. Code § MPSW 20.02(18), A credential holder providing clinical services to a client shall maintain records documenting an assessment, a diagnosis, a treatment plan, progress notes, and a discharge summary.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by failing to maintain adequate records relating to services provided a client in the course of a professional relationship as defined by Wis. Admin. Code § MPSW 20.02(18).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The License issued to Respondent (license number 7287-125) to practice as a professional counselor, is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete two (2) hours of education on the topic of professional self-care/burnout and two (2) hours of education on the topic of treatment planning, offered by a provider pre-approved by the Section monitoring liaison, including taking and passing any exam offered for the courses.

- 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. 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.
 - c. The Section monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - 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. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$320.00.
5. Any requests, petitions, payments of costs (made payable to 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (7287-125), or Respondent's right to renew his license, 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.

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

WISCONSIN PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK
EXAMINING BOARD

By: W. Rohmeyer **DSPS Chief Legal Counsel,** 5/19/2022
A Member of the Section **Delegatee** 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

ANDREW P. SCHMITZ, L.P.C., C.S.A.C.,
RESPONDENT.

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STIPULATION

ORDER 0007 83

Division of Legal Services and Compliance Case No. 20 CPC 045

Andrew P. Schmitz, 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.

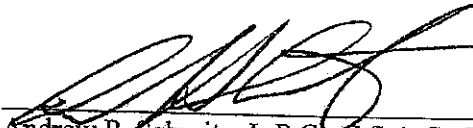
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. 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, 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.



Andrew P. Schmitz, L.P.C., C.S.A.C., Respondent
Baraboo, WI 53913
License No. 7287-125

1/10/22
Date



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

1/11/2022
Date