

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 DISCIPLINARY
PROCEEDINGS AGAINST

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

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007985

Division of Legal Services and Compliance Case No. 20 RSA 034

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 Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board 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 certified in the state of Wisconsin as clinical substance abuse counselor, having certificate number 16085-132 first issued on October 20, 2016 and current through February 28, 2023. Respondent was also certified in the state of Wisconsin as a substance abuse counselor, having certificate number 15961-131 issued on March 11, 2015. This license expired on February 28, 2017 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to apply for renewal of the substance abuse counselor certificate until February 28, 2022.

2. Respondent is also licensed in the state of Wisconsin to practice professional counseling, having license number 7287-125, first issued on February 28, 2019, and current

through February 28, 2023. The Department opened DLSC Complaint number 20 CPC 045 to investigate the allegations under his professional counseling license.

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 clinical substance abuse counselor but intends to return to substance abuse 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 Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88(6), 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 by failing to maintain adequate records relating to services provided a patient in the course of a professional relationship as defined by Wis. Admin. Code § SPS 164.01(2)(t).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The Certifications issued to Respondent to practice as clinical substance abuse counselor (certificate number 16085-132) and to practice as a substance abuse counselor (15961-131), are LIMITED as follows:

- a. Respondent shall comply with all the terms and conditions of the Final Decision and Order that was issued in DLSC Complaint number 20 CPC 045.

- b. This limitation shall be removed from Respondent's certificate after satisfying the Department 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 \$248.00.
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 certificates (16085-132 and 15961-131), or Respondent's right to renew his certificates, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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 DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysis Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
on behalf of the Department

1/28/2022
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

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

STIPULATION

ORDER 0007985

Division of Legal Services and Compliance Case No. 20 RSA 034

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 Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

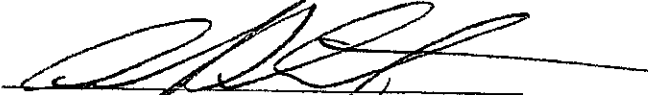
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

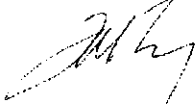
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Andrew P. Schmitz, L.P.C., C.S.A.C., Respondent
Baraboo, WI 53913
Certificate No. 16085-132

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