

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION OF THE WISCONSIN MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR AN	:	
ADVANCED PRACTICE SOCIAL WORKER	:	
CERTIFICATE	:	ORDER GRANTING
	:	LIMITED CERTIFICATE
MADDELENA FICO,	:	
APPLICANT.	:	ORDER 0008269

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

Maddelena Fico
Stevens Point, WI 54482

Social Worker Section
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 Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about May 3, 2021, Maddelena Fico (Applicant) filed an application for an Advanced Practice Social Worker certificate.
2. Information received in the application process establishes that Applicant has the following conviction:
 - A. On or about January 7, 2019, Applicant was convicted of misdemeanor DUI in DuPage County (IL) Circuit Court Case No. 18-DT-1858.
 - B. As a result of the conviction, Applicant underwent an alcohol evaluation, completed all treatment recommendations, was sentenced to one year of probation, and was ordered to complete 100 hours of community service.

3. Information received in the application process also establishes that Applicant was charged with the following violation of Illinois law related to the terms of the above-referenced conviction:

- A. On or about October 13, 2020, Applicant was charged with two counts of felony Forgery in DuPage County (IL) Circuit Court Case No. 20-CF-1873.
- B. The basis for the felony charges was that on or about November 22, 2019, Applicant submitted false documentation which wrongfully claimed she had completed the community service hours required under the terms of her DUI conviction.
- C. On or about May 10, 2021, Applicant entered into a “Second Chance Probation” agreement (Agreement) whereby she entered a guilty plea to the felony charges, but conviction and judgment was withheld and the charges shall be dismissed if Applicant complies with the terms of the Agreement for two years.
- D. The Agreement imposes terms related other legal violations, illicit drug use, firearms, and other restrictions, all of which remain in effect until May 9, 2023.

4. In resolution of this matter, Applicant 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. § 457.08(2) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. Pursuant to Wis. Stat. §§ 457.26(2)(f) and (h), the Section may deny or limit a credential if Applicant violated Wis. Stat. ch. 457 or any rule promulgated thereunder.

3. Pursuant to Wis. Admin. Code § MPSW 20.02(2), it is unprofessional conduct to violate a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential.

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 violation of law are substantially related to the practice of an Advanced Practice Social Worker.

- a. Applicant submitted false documentation which wrongfully claimed she completed the community service hours required under the terms of her DUI conviction.

- b. Applicant's false documentation was a violation of Illinois law and resulted in a felony charge, demonstrating the seriousness of Applicant's conduct.
- c. The felony charge will not result in a conviction if Applicant successfully completes the terms of the Agreement. However, the underlying violation of Illinois law is substantially related to the practice of an Advanced Practice Social Worker because the role requires certificate holders to maintain accurate and truthful documentation of care and services provided, as well as submit accurate and truthful billing to insurance companies, government programs, and other entities and individuals paying for care and services provided by the certificate holder.

6. As a result of the above Findings of Fact and Conclusions of Law, Applicant's Advanced Practice Social Worker application is subject to limitations or denial, pursuant to the Section has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 457.08(2), 457.26.

ORDER

- 1. The attached Stipulation is accepted.
- 2. Applicant's application for an Advanced Practice Social Worker certificate is granted subject to the following limitations.
- 3. Applicant's ability to practice as an Advanced Practice Social Worker in the state of Wisconsin is LIMITED for a period of at least two years from the date of this Order as follows:

A. Practice Limitations.

- i. Applicant shall show a copy of this Order to her current and any future employer(s). Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within 14 days of beginning new employment and/or within 14 days of the date of this Order for employment current as of the date of this Order.
- ii. 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 48 hours of any such event, including any convictions resulting from pending charges.

B. Reporting Requirements.

- i. Applicant shall arrange for written reports from her Advanced Practice Social Worker supervisor(s) to be provided to the Department Monitor

on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the circumstances of Applicant's employment, assess her work performance and verify that she is in compliance with the laws governing the practice of an Advanced Practice Social Worker, with particular emphasis on Applicant's documentation and billing practices, and the terms of this Order.

- ii. Applicant is responsible for compliance with all of the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.
- iii. Applicant shall report any changes, findings, violations, and satisfactory completion of the Agreement referenced in Finding of Fact 3.

4. The Department Monitor is the individual designated by the Section 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 Section for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least two years. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Section or its designee. Any such petition shall be accompanied by a written recommendation from Applicant's current employer. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

6. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

7. If Applicant violates any term of this Order, Applicant's certificate may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Applicant 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 Department's Division of Legal Services and Compliance for further investigation and action.

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

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

By: Dr. Cynthia C. Adell /JK
A Member of the Section

11/22/2022
Date

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION OF THE WISCONSIN MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR AN :
ADVANCED PRACTICE SOCIAL WORKER :
CERTIFICATE :

MADDELENA FICO,
APPLICANT.

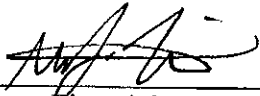
STIPULATION

ORDER 0008269

It is stipulated between Applicant and the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section) as follows:

1. Applicant filed an application for an Advanced Practice Social Worker certificate (#764781).
2. Information received by the Section reflects a basis for denial of licensure.
3. Based upon the information of record, the Section agrees to issue, and Applicant agrees to accept, the attached Order Granting Limited Certificate (Order) subject to the terms and conditions set forth therein.
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 by the Section. The parties to the Stipulation consent to the entry of the attached Order without further notice, appearance, or consent of the parties.
7. Applicant waives all rights to any appeal of the Order, as adopted in the form as attached.
8. Applicant is informed that the Order is a public record and will be published in accordance with standard procedure.



Maddelena Fico, Advanced Practice Social
Worker Applicant
Steven Point, WI 54482

11/15/2022
Date

Dr. Cynthia C. Adell /TK
A Member of the Social Worker Section
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708

11/22/2022
Date