

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KRISTINA M. DAUL, L.P.C., C.S.A.C.,	:	ORDER 0007930
RESPONDENT.	:	

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Division of Legal Services and Compliance Case No. 21 RSA 029

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

Kristina M. Daul, L.P.C., C.S.A.C.  
Waukesha, WI 53186

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 Department in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Kristina M. Daul, L.P.C., C.S.A.C., (Year of Birth 1979) is certified as a clinical substance abuse counselor, having certificate number 15880-132, first issued on November 25, 2014. This license expired on February 28, 2023, and has not been renewed.<sup>1</sup> Respondent retains the right to renew this license pursuant to Wis. Stat. § 440.08(3) until February 29, 2028. On April 20, 2022, Respondent's certificate was suspended per Board Interim Order Number 0007930.

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<sup>1</sup> Respondent is also licensed as a Licensed Professional Counselor, having license number 5406-125, first issued on August 12, 2014, and current through February 28, 2023. This license is suspended as of July 25, 2022.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is in Waukesha, Wisconsin 53186.

3. At all times relevant to these proceedings, Respondent worked as a therapist at a county social services agency in Waukesha, Wisconsin (Agency).

4. Respondent provided therapy services to Patient A from October 2020 through April 2021.

5. Respondent began a sexual relationship with Patient A in December 2020. The relationship continued through March 2021.

6. Throughout the course of the relationship, Respondent shared protected health information related to Respondent's other patients with Patient A and the two engaged in sexual activity while Respondent conducted telephonic therapy sessions with patients.

7. Patient A reported the relationship to the Agency in July 2021 and Respondent was terminated.

8. On May 8, 2023, Respondent pled guilty and was convicted in Waukesha County Circuit Court Case Number 2021CF001596 of one count of Sexual Exploitation by Therapist, a felony, in violation of Wis. Stat. § 940.22(2). Respondent was sentenced to seven years in prison (two years incarceration and five years extended supervision).

9. During the Department's investigation, Respondent requested to surrender her clinical substance abuse counselor license.

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

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in 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. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by violating any law or rule substantially related to practice as a substance abuse professional within the meaning of Wis. Admin. Code § SPS 164.01(2)(b).

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by revealing to other personnel not engaged in the care of a patient or to members of the public information which concerns a patient's identity or condition within the meaning of Wis. Admin. Code § SPS 164.01(2)(k).

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient within the meaning of Wis. Admin. Code § SPS 164.01(2)(m).

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest within the meaning of Wis. Admin. Code § SPS 164.01(2)(n).

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

### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her certificate to practice as a clinical substance abuse counselor in the state of Wisconsin (certificate no. 15880-132), as well as her right to renew such certificate, is accepted.

3. In the event Respondent petitions the Department for reinstatement of her certificate to practice as a clinical substance abuse counselor in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,341.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. Respondent shall not petition the Department for reinstatement for at least five (5) years from the date of this Order, or completion of her initial confinement and extended supervision, whichever is later. If the Respondent petitions for reinstatement, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Section and such decision is not reviewable.

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://dpspsmonitoring.wi.gov>.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer  
Aloysius F. Rohmeyer, Chief Legal Counsel  
On Behalf of the Department

11/27/2023

Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KRISTINA M. DAUL, L.P.C., C.S.A.C.,  
RESPONDENT.

STIPULATION  
ORDER 0007930

Division of Legal Services and Compliance Case No. 21 RSA 029

Respondent Kristina M. Daul, L.P.C., C.S.A.C., 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 or Respondent's attorney, 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. Respondent is further informed that should the Department adopt this Stipulation, the Department's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. 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.

  
Kristina M. Daul, L.P.C., C.S.A.C., Respondent  
Waukesha, WI 53186  
Certificate No. 15880-132

11/27/23  
Date

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

11/27/2023  
Date