

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

KERRY L. YOUNG, C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0008391

Division of Legal Services and Compliance Case No. 21 RSA 011

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

Kerry L. Young, C.S.A.C.
Cedarburg, WI 53012

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint on June 22, 2022, with the Wisconsin Department of Administration, Division of Hearings and Appeals (DHA) in DHA Case Number SPS-22-0045. Prior to the hearing on the Complaint, the parties in this matter agreed 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 Kerry L. Young, C.S.A.C., (Year of Birth 1956) is certified in the state of Wisconsin as a clinical substance abuse counselor, having certificate number 15739-132, first issued on January 3, 2013, and current through February 28, 2025. Respondent's most recent address on file with the Department is in Cedarburg, Wisconsin 53012.

2. At all times relevant to this incident, Respondent was a licensed clinical substance abuse counselor employed as a case manager for a Treatment Alternatives and Diversion (TAD) case management program in partnership with a Wisconsin county health department.
3. Respondent managed Client A from July 17, 2016, to July 1, 2017. On January 3, 2017, approximately six months after entry into the program, Client A's urine tested positive for THC. Respondent reported that all of Client A's testing was negative in no fewer than three reports after receiving the positive result.
4. Respondent managed Client B from September 21, 2018, to September 18, 2019. On October 26, 2018, approximately one month after entry into the program, Client B's urine tested positive for THC at an amount substantially higher than the client's "baseline" tests found during his initial testing. A handwritten note on the "Final Report" of the October 26, 2018 specimen read, "'consistent, continued use' per the Premier Biotech lab tech – 11/2 phone call." Respondent reported that all of Client B's testing was negative in no fewer than three reports after receiving the positive result.
5. Respondent managed Client C from January 5, 2016, to January 3, 2017. On October 4, 2016, approximately 10 months after entry into the program, Client C's urine tested positive for morphine at a level of 94.8 ng/mL. At discharge, Respondent reported that Client C remained drug free throughout the program with 11 negative drug screens.
6. Respondent managed Client D from August 28, 2016, to August 22, 2017. On February 8, 2017, approximately five months after entry into the program, Client D's urine tested positive for codeine. There was no documentation in Client D's record of a valid prescription for codeine. At discharge, Respondent reported that Client D remained drug free throughout the program with 14 negative drug screens.
7. Respondent managed Client E from May 9, 2018, to November 6, 2018. On August 15, 2018, approximately three months after entry into the program, Client E's urine tested positive for norfentanyl at a level of 7.900 ng/mL. Respondent reported that all of Client D's testing was negative in no fewer than two reports after receiving the positive result.
8. Respondent completed the following continuing education courses:
 - a. Ethics and Boundaries in Rural Wisconsin; October 10, 2022; 4 CEU.
 - b. Ethics and Boundaries in the World of Technology; October 13, 2022; 4 CEU.
 - c. Documentation & Record-Keeping Essentials for Mental Health Professionals; November 20, 2022, 1 CEU.
 - d. Advanced Ethics and Boundaries; January 19, 2023; 4 CEU.
9. Respondent maintains that his actions as identified above were within TAD program parameters.
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 committed unprofessional conduct by failing to maintain adequate records relating to services provided a patient in the course of a professional relationship within the meaning of Wis. Admin. Code § SPS 164.01(2)(t).
3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by engaging in a single act of gross negligence or in a pattern of negligence as a substance abuse professional within the meaning of Wis. Admin. Code § SPS 164.01(2)(v).
4. 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's certificate to practice as a clinical substance abuse counselor (certificate number 15739-132) is SUSPENDED for six (6) months beginning June 1, 2023.
3. The Department accepts the education Respondent has already completed, as identified in paragraph eight (8) of the Findings of Fact, as satisfying the education the Department would have otherwise ordered in this matter.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1000.00.
5. 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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's certificate (15739-132), or Respondent's right to renew his certificate, may, in the discretion of the Department or its designee, be further 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: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department

2/7/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KERRY L. YOUNG, C.S.A.C.,
RESPONDENT.

STIPULATION

ORDER 000839 1

Division of Legal Services and Compliance Case No. 21 RSA 011

Kerry L. Young, 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. Respondent is represented by Attorney Kristen Nelson.

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.

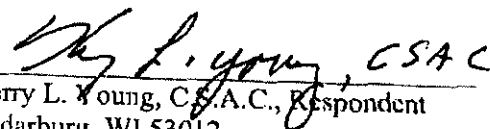
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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.

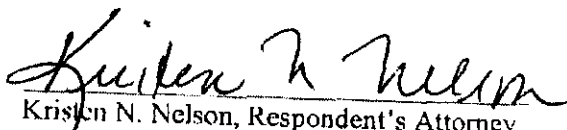
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. 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.


Kerry L. Young, C.S.A.C., Respondent
Cedarburg, WI 53012
Certificate No. 15739

2/7/23
Date


Kristen N. Nelson, Respondent's Attorney
Ginibel, Reilly, Guerin & Brown, LLP
330 East Kilbourn Avenue, Suite 1170
Milwaukee, WI 53202

2/7/23
Date


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

2/7/2023
Date