

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

RACHEL M. ZOCHER, S.A.C.-I.T.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0008433**

Division of Legal Services and Compliance Case No. 22 RSA 049

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

Rachel M. Zocher, S.A.C.-I.T.
Ogema, WI 54459

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 Rachel M. Zochen, S.A.C.-I.T., (Year of Birth 1990) is licensed in the state of Wisconsin as a substance abuse counselor-in-training, having certificate number 19514-130, first issued on October 19, 2021, and current through February 28, 2023.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Ogema, Wisconsin 54459.

¹ Per Wis. Stat. § 440.88(4), renewal of a substance abuse counselor-in-training certificate may be made only twice. Respondent has not applied for renewal of her certificate. Wisconsin Stat. § 440.08(3) provides for a 5 year right to apply to renew a credential, following expiration of that credential, upon payment of a fee.

2. At all times relevant to this proceeding, Respondent worked as a substance abuse counselor-in-training at a correctional facility located in Hawkins, Wisconsin (Facility).

3. On July 14, 2022, the Facility received a telephone call from the Taylor County Sheriff's Office that Respondent was in a relationship with a former inmate (Inmate A) from the Facility. The Facility confirmed Inmate A was Respondent's client from December 6, 2021, to April 23, 2022.

4. On July 15, 2022, the Facility placed Respondent on administrative leave during its investigation.

5. On September 8 and 9, 2022, the Facility interviewed Inmate A and Respondent who both confirmed that Respondent was one of Inmate A's treatment providers while at the Facility, that they began a romantic and sexual relationship after his release from the Facility, and that he had been living with Respondent since June 2022.

6. On October 26, 2022, Respondent resigned during the investigation. Respondent is not currently employed as a substance abuse counselor-in-training.

7. 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 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). For purposes of this subsection, an adult shall continue to be a patient for 2 years after termination of professional services.

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

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her certificate to practice as a substance abuse counselor in-training in the state of Wisconsin (certificate no. 19514-130), 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 substance abuse counselor-in-training 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 \$448.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Department for reinstatement as a substance abuse counselor-in-training in the state of Wisconsin, the Department may enter an order denying such application without further notice or hearing. Whether to grant a certificate and whether to impose any limitations or restrictions on any certificate granted shall be in the sole discretion of the Department 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://dspsmonitoring.wi.gov>.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer
A Member of the Department

3/16/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RACHEL M. ZOCHER, S.A.C.-I.T.,
RESPONDENT.

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STIPULATION

ORDER 0008433

Division of Legal Services and Compliance Case No. 22 RSA 049

Respondent Rachel M. Zocher, S.A.C.-I.T., 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

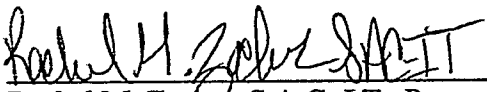
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.


Rachel M. Zocher, S.A.C.-I.T., Respondent
Ogema, WI 54459
License No. 19514-130

3/15/23
Date


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

3/15/23
Date