

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

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

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DANIEL H. DODEN, L.P.C.,	:	
RESPONDENT.	:	

ORDER 00085 15

Division of Legal Services and Compliance Case No. 21 CPC 032

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

Daniel H. Doden, L.P.C.
Monroe, WI 53566

Wisconsin Professional Counselor Section of the Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board
P.O. Box 8366
Madison, WI 53708-8366

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 Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The Section has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Daniel H. Doden, L.P.C., (Year of Birth 1961) is licensed in the state of Wisconsin as a professional counselor, having license number 3519-125, first issued on June 9, 2005 and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is in Monroe, Wisconsin 53566.

Prior Discipline

2. On October 15, 2019, the Section issued Order #0006489 reprimanding Respondent and requiring him to complete education related to professional ethics and maintaining professional boundaries. The Section found that Respondent failed to avoid a dual relationship with a patient's mother that impaired Respondent's objectivity. Respondent sent flirty text messages to the patient's mother and stated he could not treat the patient because of the "chemistry" between them.

Current Case

3. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a counseling facility located in Monroe, Wisconsin (Facility).

4. From March 30, 2020 to March 1, 2021, Respondent provided professional counseling services to a female patient born in 1983 (Patient A). The nature of the services provided was related to Patient A's mental health, substance use, and legal issues. During this time, Patient A was involved in a parental custody case involving her child, and part of Respondent's role as Patient A's mental health provider was to report on Patient A's progress to the Guardian ad Litem involved in the case.

5. In the course of Patient A's treatment, Respondent used his personal cell phone to communicate with Patient A outside of business hours about topics unrelated to treatment. These topics included Respondent's evening plans, the wine Respondent was drinking at the time, and bars Respondent would frequent. Respondent also commented on Patient A's physical appearance and weight both in person and via text message.

6. None of the text message conversations Respondent had with Patient A were documented in Patient A's counseling records.

7. On May 17, 2021, after Respondent and Patient A's professional relationship had been terminated for over two months, Respondent used his personal cell phone to send an unsolicited text message to Patient A. Patient A responded to tell Respondent she did not want any relationship with him and to leave her be.

8. Respondent denies he violated any statute or rules related to the practice of professional counseling. In order to avoid unnecessary time, resources, and expenses, Respondent 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. § 457.26(2) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest, pursuant to Wis. Admin. Code § MPSW 20.02(13).

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by being grossly negligent in practice in a single instance, or negligent in practice in more than one instant, pursuant to Wis. Admin. Code § MPSW 20.02(22).

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice professional counseling in the state of Wisconsin (license number 3519-125) is SUSPENDED for 15 days from the date of this Order.

3. Respondent's license to practice professional counseling in the state of Wisconsin (license number 3519-125) is LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete 10 hours of education on the topic of professional ethics and maintaining professional boundaries, offered by a provider pre-approved by the Section monitoring liaison, including taking and passing any exam offered for the course(s).
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. The Section monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. This limitation shall be removed from Respondent's license after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,651.91.

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. In the event Respondent violates any term of this Order, Respondent's license (number 3519-125), or Respondent's right to renew his license, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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 Division of Legal Services and Compliance for further investigation and action.

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

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

By:  4/19/2023
A Member of the Section Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL H. DODEN, L.P.C.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 00085 15

Division of Legal Services and Compliance Case No. 21 CPC 032

Respondent Daniel H. Doden, L.P.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. Respondent is represented by Attorney Scott Hammer.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). 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 Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, 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 Section, the parties agree not to contend that the Section 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 and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section'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 Section adopt this Stipulation, the Section'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 the Section adopt this Stipulation and issue the attached Final Decision and Order.



Daniel H. Doden, L.P.C., Respondent
Monroe, WI 53566
License No. 3519-125

11/10/22
Date

Scott D. Hammer
Scott Hammer, Attorney for Respondent
Wilson Elser Moskowitz Edelman & Dicker LLP
55 West Monroe Street, Ste 3800
Chicago, IL 60603

11/10/22
Date



December 20, 2022

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

Date