

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

RYAN J. MCFARLAND,
RESPONDENT.

:
:
: ADMINISTRATIVE INJUNCTION
:
:

ORDER 0008592

Division of Legal Services and Compliance Case No. 22 UNL 004 (RSA)

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

Ryan J. McFarland
Wind Lake, WI 53185

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Ryan J. McFarland (Respondent), (Year of Birth: 1992) was certified in the state of Wisconsin as a substance abuse counselor-in-training (SAC-IT), with certificate number 17764-130. This certificate was first granted to Respondent on April 7, 2016, and expired on February 28, 2021.¹

¹ The substance abuse counselor in training certificate is not subject to renewal as Respondent is allowed only two renewals of such certificate which occurred in 2017 and 2019. See Wis. Stat. § 440.88(4).

2. In 2017, and again in April 2021, Respondent began the application process for a Substance Abuse Counselor credential. To date, both applications remain incomplete and are considered abandoned by the Department.

3. On January 19, 2022, the Department received a complaint alleging that Respondent was practicing and holding himself out as a substance abuse counselor at a treatment facility in West Allis, Wisconsin (Facility) without a valid certificate.

4. On August 17, 2020, Respondent was hired by the Facility as a substance abuse counselor which required Respondent to possess a substance abuse counselor or substance abuse counselor-in-training certificate.

5. When Respondent's SAC-IT credential expired, the Facility reassigned Respondent to duties that did not require a SAC-IT credential. However, during the first half of March 2021, Respondent continued to meet with clients in therapy rooms to discuss the results of their drugs tests, which included providing clients with verbal support, discussing why they continued to use non-prescribed or illegal drugs, discussing triggers and how to avoid them, discussing what was going on in their lives which may have led to the positive drug screen, providing coping mechanisms and skills, discussing relapsing and prevention, and offering motivational comments. When confronted by the Clinic Manager, Respondent admitted the conduct and stated that he had been counseling for so long that it was hard to stop.

6. As of October 31, 2022, Respondent's LinkedIn profile listed under "Experience" that he was a substance abuse counselor from August 2020 until September 2021 at the Facility.

7. On or about March 19, 2021, Respondent submitted to the Facility a resume and an "Internal Job Application" signed and dated by Respondent. The resume stated that Respondent is currently employed as a "Substance Abuse Counselor" with the Facility as of August 2020 to "current" date. The internal job application, as completed by Respondent, stated that Respondent was applying for a "Site Supervisor" position, and that his current position is a "counselor" with the Facility. Respondent's resume further indicated that he was in the process of obtaining his licensure for substance abuse counselor.

8. Respondent disagrees with the above Findings of Fact, but in the interests of resolving this matter, Respondent consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 440.88(5) provides that no person may represent himself to the public as a substance abuse counselor, or use in connection with his name a title or description that conveys the impression that he is a substance abuse counselor unless he is certified by the Department.

3. The conduct described above constitutes a violation of Wis. Stat. § 440.88(5) as Respondent represented himself to the public as a substance abuse counselor and used in connection with his name, a title(s) conveying to the public that he was a substance abuse counselor when in fact he did not possess the necessary credential.

ORDER

1. The attached Stipulation is accepted.

2. Unless and until Respondent is properly credentialed as a substance abuse counselor by the Department, Respondent is enjoined and prohibited from representing himself to the public as a substance abuse counselor and using in connection with his name, any title conveying to the public that he is a substance abuse counselor in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

4. This Order is effective on the date it is signed by the Department.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department

6/27/2023

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

RYAN J. MCFARLAND,
RESPONDENT.

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:
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:
:

STIPULATION

ORDER 0008592

Division of Legal Services and Compliance Case No. 22 UNL 004 (RSA)

Ryan J. McFarland (Respondent), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, 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 for further proceedings. In the event that the Stipulation is not accepted by the

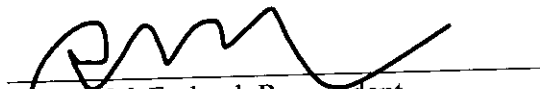
Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

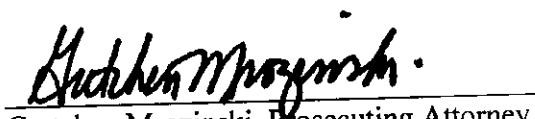
7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction 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 joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.


Ryan J. McFarland, Respondent
Wind Lake, WI 53185

5/30/23
Date


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

5/31/23
Date