

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

JENNIFER S. DUBEY, S.A.C.,
RESPONDENT.

:
:
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FINAL DECISION AND ORDER
AND

ADMINISTRATIVE INJUNCTION

ORDER 0008648

Division of Legal Services and Compliance Case No. 22 RSA 042

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

Jennifer S. Dubey, S.A.C.
Kenosha, WI 53142

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. Jennifer S. Dubey, S.A.C. (Respondent), (Year of Birth 1967) is certified in the state of Wisconsin as a substance abuse counselor, having certificate number 16163-131, first issued on May 24, 2017 and current through February 28, 2025. Respondent was also certified as a substance abuse counselor-in-training, having certificate number 17375-130, first issued on January 15, 2015. This certificate expired on March 1, 2019 and has not been renewed. Respondent retains a five-year right to apply to renew the substance abuse counselor-in-training certificate pursuant to Wis. Stat. §§ 440.88(4) and 440.08(3) through February 28, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Kenosha, Wisconsin 53142.

2. Respondent's education includes a certificate in Alcohol and Other Drugs of Abuse (AODA) and an A.A.S. in Human Services.

3. Respondent is not and has never been licensed to practice psychology by the Psychology Examining Board. Respondent is neither currently credentialed by nor has ever held any credential issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board.

4. Respondent reported to the Department that she was employed as an AODA substance abuse counselor and psychotherapist at an outpatient clinic in Racine, Wisconsin.¹ Respondent stated that in that role she worked as part of a team of mental health professionals to provide counseling services to a wide range of clients.

5. Respondent conducted the initial assessment of a 44-year-old female patient (Patient A) and, through approximately nine sessions between May and September 2022, provided therapy services for Patient A.

6. During the time that Respondent had a treatment relationship with Patient A, Respondent contacted Patient A's mental health provider and was informed of Patient A's current mental health diagnoses of borderline personality disorder, PTSD, and depression. Respondent did not diagnose any substance abuse issue or provide substance abuse treatment to Patient A.

7. Respondent denies the existence of a violation and has cooperated throughout the pendency of this investigation. Respondent has no prior disciplinary history.

8. 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(6) and 440.21, and Wis. Admin. Code ch. SPS 3, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. §§ 455.01(6) and 457.01(8m), "Psychotherapy" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

3. By the conduct described in the Findings of Fact, Respondent practiced psychology by providing psychotherapy, in exchange for a fee, as defined in Wis. Stat. § 455.01(5)(b)2., within the meaning of Wis. Stat. § 455.02(1m)(a).

¹ The outpatient clinic ceased operations on October 14, 2022.

4. By the conduct described in the Findings of Fact, Respondent practiced psychotherapy without a license issued under Wis. Stat. ch. 457 or a certificate under the rules promulgated per Wis. Stat. §§ 457.03 and 457.035, within the meaning of Wis. Stat. § 457.04(7).

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by performing or offering to perform services for which the substance abuse professional is not qualified by education, training, or experience, within the meaning of Wis. Admin. Code § SPS 164.01(2)(f).

6. 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 is REPRIMANDED.

3. Unless and until Respondent is granted an applicable credential, Respondent is ENJOINED and PROHIBITED from performing psychotherapy or any other mental health services which require a credential under Wis. Stat. ch. 455, Wis. Stat. ch. 457, or exceeding the scope of a substance abuse counselor under Wis. Stat. § 440.88 and Wis. Admin. Code § SPS 160. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this paragraph, 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 considered a special order under Wis. Stat. § 440.21(2). Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$763.00.

6. 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://dpsmonitoring.wi.gov>.

7. In the event Respondent violates any term of this Order, Respondent's certificates (numbers 16163-131 and 17375-130), or Respondent's right to renew her certificates, may, in the discretion of the Department or its designee, be 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.

8. 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

7/17/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER S. DUBEY, S.A.C.,
RESPONDENT.

STIPULATION

ORDER 0008648

Division of Legal Services and Compliance Case No. 22 RSA 042

Jennifer S. Dubey, 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 Susan Wagener.
4. Respondent agrees to the adoption of the attached Final Decision and Order and Administrative Injunction 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 and Administrative Injunction 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.

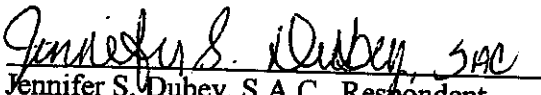
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted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

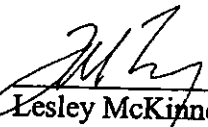
9. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order and Administrative Injunction.


Jennifer S. Dubey, S.A.C., Respondent
Kenosha, WI 53142
Certificate Nos. 16163-131 and 17375-130

07/14/2023
Date


Susan Wagener, Attorney for Respondent
Hepler Broom Law Firm
70 West Madison, Suite 2600
Chicago, IL 60602

7/14/2023
Date


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

7/17/2023
Date