

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

REBECCA R. KORNSTEDT, S.L.P.,  
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008876

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Division of Legal Services and Compliance Case No. 22 HAD 006

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

Rebecca R. Kornstedt, S.L.P.  
Waunakee, WI 53597

Wisconsin Hearing and Speech 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 Hearing and Speech Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Rebecca R. Kornstedt, S.L.P. (Respondent), (Year of Birth 1980) is licensed in the state of Wisconsin as a Speech-Language Pathologist, having license number 4325-154, first issued on June 21, 2016, and current through January 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Waunakee, Wisconsin 53597.

2. At all times relevant to this proceeding, Respondent was employed as a Speech-Language Pathologist at a hospital located in Madison, Wisconsin (Facility).

3. On May 17, 2022, the Waunakee Police department received a call from a McDonald's restaurant in the village of Waunakee reporting that Respondent was driving her

vehicle in the drive through lane, that Respondent appeared to be on drugs or intoxicated from alcohol, and that Respondent had two young children in the back seat. McDonalds' staff further advised they kept asking Respondent to pay for her food order, but she was unable to do so. While the police were in route, the McDonalds' staff further stated they saw Respondent take a drink of alcohol out of a small bottle in the car. When police arrived and spoke to Respondent, Respondent was largely incoherent and was unable to provide her home address or her husband's phone number. Respondent initially denied consuming alcohol, although a bottle of wine was visible in the console of the vehicle. Respondent's husband picked up her children and took them home. Respondent failed the roadside sobriety tests and refused the roadside preliminary breath test. When Respondent was arrested, her vehicle was searched and the police discovered multiple partially full or empty bottles of hard alcohol and wine. At the Waunakee Police Department, Respondent agreed to submit a breath sample which resulted in a finding of an alcohol concentration of .28 g/210L.

4. On September 9, 2022 Respondent was convicted of Operating While Intoxicated – First Offense with a Minor Child in the Vehicle, an unclassified misdemeanor, in Dane County Circuit Court Case Number 2022CT000254. Respondent was placed on 15 months of probation and sentenced to 30 days of conditional jail time.

5. Respondent underwent a Wisconsin Assessment of the Impaired Driver (WAID) and was found to have an alcohol dependency. Respondent participated in intensive outpatient treatment for alcohol dependency from July 11, 2022 to August 8, 2022.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 459.34 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 violated Wisconsin Admin. Code § HAS 6.18(1)(c).

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 459.34(2)(c).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a Speech-Language Pathologist in the State of Wisconsin (license number 4325-154), is LIMITED as follows:

a. For a period of at least two (2) years from the date of this Order:

- i. Respondent shall submit to testing of specimens not less than forty-nine (49) times per year (one of which may be a hair test at the Board's discretion), for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
- ii. Respondent shall abstain from all personal use of alcohol.
- iii. Respondent shall abstain from all personal use or controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed, or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor. Respondent shall disclose the name and address of such practitioner to the Department Monitor within five (5) business days of receipt of a prescription for controlled substances.
- iv. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered, or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- v. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Respondent shall abstain from all use or over-the-counter medications, products, or other substances (including but not limited to natural substances, such as poppy seed or any products containing alcohol) which may mask consumption of controlled substances or alcohol, create false positive screening results, or otherwise interfere with Respondent's test results, treatment, or rehabilitation, unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph 3(a)v. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- vi. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

- vii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examination as the Board, or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
  - viii. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
  - ix. Respondent shall provide her employer with a copy of this Order and any subsequent order modifying this Order before engaging in any Speech-Language Pathologist employment. Respondent shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order and any subsequent order modifying this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order and any subsequent order modifying this Order for employment current as of the date of this Order.
  - x. Respondent shall not work as a Speech Language Pathologist or any other health care provider in a setting in which Respondent has access to controlled substances. Respondent shall provide the Department Monitor with written acknowledgement from each employer that Respondent does not have access to controlled substances. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days from the date of this Order for any current employer and on a quarterly basis thereafter from each employer.
4. A violation of this Order includes a positive drug or alcohol screen.
5. After the first year from the date of this Order, Respondent may petition the Board on an annual basis for a modification of the terms of this Order. After two (2) consecutive years of successful compliance, the Respondent may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.
6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$951.00.
7. 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>

8. In the event Respondent violates any term of this Order, Respondent's license (number 4325-154) or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board 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.

9. This order is effective on its signing.

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

By: Kathleen Payak MS/CCC Date 11/27/2023  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

REBECCA R. KORNSTEDT, S.L.P.,  
RESPONDENT.

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STIPULATION

ORDER 0008876

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Division of Legal Services and Compliance Case No. 22 HAD 006

Rebecca R. Kornstedt, S.L.P. (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.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Hearing and Speech Examining Board (Board). 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 Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, 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 Board, the parties agree not to contend that the Board 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 Board ever assigned as an advisor in this investigation may appear before the Board 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 Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board'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 Board adopt this Stipulation, the Board'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.

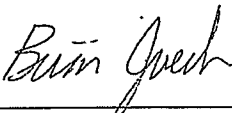
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Rebecca R. Kornstedt, S.L.P., Respondent  
Waunakee, WI 53597  
License No. 4325-154

7-25-23

Date



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

8/1/2023

Date