



VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Christine Poleski (608) 266-2112
October 13, 2020

The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Section.

AGENDA

10:30 A.M.

(OR IMMEDIATELY FOLLOWING THE PROFESSIONAL COUNSELOR SECTION MEETING)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of July 21, 2020 (4-8)**
- C. Conflicts of Interest
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Appointment of Liaisons: Screening Panel
 - 3) Board Member – Term Expiration Dates
- E. COVID-19 – Discussion and Consideration**
- F. Administrative Rule Matters – Discussion and Consideration
 - 1) Pending or Possible Rulemaking Projects
- G. Discussion and Consideration of Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Practice Matters
 - 9) Administrative Rule Matters
 - 10) Legislative and Policy Matters

- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

I. Deliberation on DLSC Matters

- 1) **Case Closings**
 - a. 19 MFT 002 – A.K.T. (**9-12**)

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: TBD

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
MARRIAGE AND FAMILY THERAPY SECTION
MEETING MINUTES
JULY 21, 2020**

PRESENT: Bridget Ellingboe, Lindsey Marsh, Lisa Yee

STAFF: Christian Albouras, Executive Director; Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv. and other DSPS Staff

CALL TO ORDER

Bridget Ellingboe, Chairperson, called the meeting to order at 9:02 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

MOTION: Lisa Yee moved, seconded by Lindsey Marsh, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 14, 2020

MOTION: Lisa Yee moved, seconded by Lindsey Marsh, to approve the Minutes of April 14, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Secretary

NOMINATION: Lindsey Marsh nominated herself for the Office of Secretary.

Christian Albouras, Executive Director, called for nominations three (3) times.

Lindsey Marsh was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Bridget Ellingboe
Vice Chairperson	Lisa Yee
Secretary	Lindsey Marsh

Appointments of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaisons	Bridget Ellingboe, Lisa Yee
Education & Continuing Education Liaison	Bridget Ellingboe
Monitoring Liaison	Bridget Ellingboe
Professional Assistance Procedure (PAP) Liaison	Bridget Ellingboe
Legislative Liaison	Bridget Ellingboe
WAMFT Liaison	Lisa Yee
AMFTRB Liaison	Lisa Yee
SCREENING PANEL APPOINTMENTS	
Screening Panel	Lisa Yee, Bridget Ellingboe

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposal to Utilize Case Advisors

MOTION: Lisa Yee moved, seconded by Lindsey Marsh, to accept the proposal to utilize case advisors. Motion carried unanimously.

CLOSED SESSION

MOTION: Lisa Yee moved seconded by Lindsey Marsh, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Bridget Ellingboe, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Bridget Ellingboe-yes, Lindsey Marsh-yes; and Lisa Yee-yes. Motion carried unanimously.

The Section convened into Closed Session at 9:53 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

19 MFT 003 – E.M.K.

MOTION: Bridget Ellingboe moved, seconded by Lisa Yee, to issue an Administrative Warning in the matter of E.M.K., DLSC Case Number 19 MFT 003. Motion carried unanimously.

Case Closings

19 MFT 009 – T.A.S.

MOTION: Lindsey Marsh moved, seconded by Lisa Yee, to close DLSC Case Number 19 MFT 009, against T.A.S., for Insufficient Evidence. Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders

18 MFT 011 – David R. Brown, MFT-IT

MOTION: Lisa Yee moved, seconded by Lindsey Marsh, to adopt the Findings of Fact, Conclusions of Law, and Final Decision and Order in the matter of disciplinary proceedings against David R. Brown, MFT-IT, DLSC Case Number 18 MFT 011. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Bridget Ellingboe moved, seconded by Lisa Yee, to reconvene into Open Session. Motion carried unanimously.

The Section reconvened into Open Session at 10:11 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Lisa Yee moved, seconded by Lindsey Marsh, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

ADJOURNMENT


MOTION: Lindsey Marsh moved, seconded by Lisa Yee, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:13 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Investigator Kyle Heller on behalf of Attorney Supervisor Gretchen Mrozinski, Division of Legal Services and Compliance		2) Date When Request Submitted: September 1, 2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Marriage & Family Therapy Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 13, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Case Closing – Case Summary in 19 MFT 002, A.K.T.	
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Review attached memo for consideration of closing case with no formal disciplinary action. Reason for the closure: Prosecutorial Discretion (P5)			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: right;"> 9/1/2020 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 80%;">Supervisor (if required)</div> <div style="width: 15%;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 80%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 15%;">Date</div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: September 1, 2020 **FILE REF:** 19 MFT 002
TO: Case File
FROM: Investigator Kyle Heller
SUBJECT: CASE SUMMARY

RESPONDENT:

Amy K. Thoftne
3131 Maple Valley Dr. # 215
Madison, WI, 53719
Phone: (608) 235-4359
Email: a.thoftne@gmail.com
Date of Birth: 5/29/1989

Credential: 375-228 (Marriage and Family Therapist Training License)
Granted: 11/20/2013
Renewal: 11/20/2017 (**Expired**)

COMPLAINANT:

US Department of Health and Human Services – Office of the Inspector General

CASE ASSOCIATES:

Attorney: Gretchen Mrozinski
Investigator: Kyle Heller
Paralegal: Angela Slaney

PRIOR DISCIPLINE:

None.

COMPLAINT:

Respondent is being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as a result of Respondent's misdemeanor conviction in the State of Wisconsin.

INVESTIGATION:

MILWAUKEE COUNTY COURT CASE 2018CM001162

On August 2, 2018, following an investigation by the Wisconsin Department of Justice's Medicaid Fraud Control and Elder Abuse Unit (MFCEAU), Respondent was found guilty of a

Misdemeanor charge of Recklessly Neglecting a Patient or Resident, causing bodily harm¹. The criminal complaint in this case states that Respondent drove a patient to a medical appointment while intoxicated. Staff at the medical center had suspicions that Respondent was intoxicated, so Respondent was taken to Concentra (Occupational Health Center) for breath alcohol testing. This test confirmed that Respondent's alcohol level was "well above the legal limit" of .08 BAC. The MFCEAU investigator further states in the criminal complaint that Respondent "...recklessly neglected [the patient], a resident, by creating a significant risk to [the patient]'s physical health by her failure to maintain adequate care, services, or supervision for [the patient]. I further believe that she created a situation of unreasonable risk of harm to and demonstrated a conscious disregard for the safety of [the patient] by her impairment."

On July 3, 2020, Investigator Seuferer was able to obtain a copy of the criminal complaint from Milwaukee County regarding this matter (see file).

RESPONSE FROM RESPONDENT

On June 30, 2020, Respondent reported to Investigator Seuferer that in "late April 2017, while employed at Bell Therapy in Milwaukee WI as a Case Manager, [She] took a resident, V.W., to a doctors appointment. At this appointment, a doctor noticed the smell of alcohol on [her] breath. Due to this, Bell Therapy had a drug/alcohol test performed, where it was confirmed alcohol was present in [her] system. [She] was terminated, and informed that DHS and DSPS would be notified of the incident. This began the investigation that resulted in the conviction [in Milwaukee County Court Case Number 2018CM001162²]."

In addition, Respondent explained why the above incident was not reported to the Division. She stated that during the time of incident, she "was informed that DSPS would be notified, and therefore was under the impression that additional notification was not necessary. In January of 2019, [she] received a letter from the Office of the Inspector General notifying [her] that [she] was excluded from participation in Medicare, Medicaid, and all Federal health care programs. This letter stated the reason was [her] felony conviction. [She] interpreted this as a notification to [her] that DSPS would be notified, not that [she] needed to notify [the Division directly]. [Her] MFT training license had already expired at the time of the conviction, so [she] was not aware that additional notification to DSPS, or any other agency, on my part was required. Had [she] interpreted the letter correctly, [she] would have notified appropriate parties."³

CORRESPONDENCE WITH DSPS DIVISION OF PROFESSIONAL CREDENTIAL PROCESSING'S SAM WALLACE, RECORDS MANAGEMENT CREDENTIALING SUPERVISOR

On August 14, 2020, Investigator Heller emailed Records Management Credentialing Supervisor of Renewals/CSC, Sam Wallace to inquire if Respondent had applied for any other licenses or if she had tried to review her training license.

On August 18, 2020, Mr. Wallace reported that after his review of Respondent's profile, she had not tried to review her credential, not applied for any new licenses.

¹ Wis. Statute 940.295(3)(a)2

² Respondent plead guilty on August 2, 2018.

³ Respondent did not provide the letter she received from the OIG in 2019 with her response.

ALLEGED VIOLATIONS AND APPLICABLE STATUTORY/CODE CITATIONS:

Wisconsin Admin. Code § MPSW 20.02(2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential.

ATTORNEY REVIEW AND RECOMMENDATION:

Attorney Mrozinski reviewed this case file, including this case summary, and recommends closing this case for P5 (there may have been a violation but respondent's training license has expired and a flag will be placed on the credential in the event the respondent attempts to renew). Per Wis. Stat. § 457.11(2), the Section "may" renew the Respondent's training license in its discretion, and as such, there is no automatic right to renew.

FINAL SECTION DECISION:

Pending...