

980546

MINNESOTA BOARD OF SOCIAL WORK

BIENNIAL REPORT

July 1, 1996 to June 30, 1998

Submitted by

Thomas M. McSteen
Executive Director

A. GENERAL STATEMENT OF BOARD ACTIVITIES

The Minnesota Board of Social Work, in accordance with Minnesota Statutes, chapter 148B, regulates social work practice in Minnesota. The Board's regulatory program is intended to insure that: 1) social workers meet the necessary requirements for initial licensure; 2) social workers obtain the supervision and continuing education necessary for continued licensure, as monitored by a biennial renewal process; and 3) social workers comply with the laws and the rules that the Board is empowered to enforce.

There are four levels of social worker licensure in Minnesota. Persons may be licensed as a Licensed Social Worker (LSW) with a baccalaureate degree in social work from a program accredited by the Council on Social Work Education (CSWE); there are now sixteen undergraduate programs in Minnesota accredited by the CSWE. Persons may be licensed as a Licensed Graduate Social Worker (LGSW) with a master's degree in social work from an accredited program; there are now four programs in Minnesota accredited by the CSWE. Persons with a master's degree may apply for licensure at the Licensed Independent Social Worker (LISW) or the Licensed Independent Clinical Social Worker (LICSW) levels after obtaining appropriate supervised practice. As of July 1998, there were 5,429 current LSWs, 975 current LGSWs, 827 current LISWs, and 2,551 current LICSWs, for a total of 9,783 licensees.

Persons practicing social work in city, county, and state agencies continue to be exempt from licensure by the Board of Social Work. Many social workers in these agencies have chosen to be licensed, but many others have chosen not to renew their licenses due to concern about having to be subject to the Board's complaint process. The Board continues to be concerned that this licensure exemption means that a large segment of the public has no recourse to an independent state agency when allegedly harmed by an unlicensed social worker, and the Board encourages the Legislature to address this public policy issue.

The Board continues to work on resolving complaints against licensees, which continue to average about 150 per year, in a timely manner. By July 1999, the Board will have resolved all cases filed before 1998; at that point, it will be on track to resolve all complaints within 18 months. This time line reflects the maximum time for resolving complaints; even now, most complaints are resolved in a significantly shorter time frame than 18 months. By the end of the 2000-2001 biennium, the Board will be in a position to resolve all complaints, including those requiring Attorney General involvement, within 6-12 months, or less; the only exception to this time line will be cases that require a protracted contested case hearing.

The Legislature passed a major re-write of its Practice Act in 1997, and the Board is now completing a major re-write of its rules. The Board expects that the clarity of its statutes and rules, along with the completion of a new computer database, will result in increased efficiency and customer service.

B. NUMBER OF MEETINGS AND HOURS ON BOARD ACTIVITIES

Fiscal Year 1996

	# of meetings	# of hours
Board Meetings	6	3,456
Advisory Committee Meetings	6	36
Complaint Panels	36	576
Rules / Legislative Committee	2	36
Executive Committee	1	16
National Conference / Meetings	2	144
Total	53	4,264

Fiscal Year 1997

	# of meetings	# of hours
Board Meetings	6	3,456
Advisory Committee Meetings	6	36
Complaint Panels	36	576
Rules / Legislative Committee	4	72
Executive Committee	1	16
National Conference / Meetings	2	144
Total	53	4,300

C. RECEIPT AND DISBURSEMENT OF BOARD FUNDS

	FY 1997	F Y 1998
Total Receipts	\$741,000	\$745,000
Total Disbursements	\$729,000	\$861,000

The Board began FY 1997 with an accumulated surplus of \$250,000. The Board ended FY 1998 with an accumulated surplus of \$147,000.

D. BOARD MEMBER INFORMATION

The following is a history of appointments for the various positions on the Board of Social Work for this biennium. The current members, as of June 30, 1998, are identified in bold.

Position 1

Marilyn Vigil
Licensed Independent Clinical Social Worker
Chair, Department of Social Work, Metro State University
July 1995 to January 1998; January 1998 to January 2002

610 Donegal Circle
Shoreview MN 55126

Position 2

Steve Sawyer
Licensed Independent Clinical Social Worker
Executive Director, Project Pathfinder
July 1996 to January 2000

3920 Woodview Court
Vadnais Heights MN 55127

Position 3

William Anderson
Licensed Independent Social Worker
Professor, Department of Social Work, Mankato State University
September 1987 to January 1991; January 1991 to January 1995; January 1995 to January 1999

PO Box 725
Mankato, Minnesota 56002-0725

Position 4

Steve Bloom
Licensed Independent Clinical Social Worker
School Social Worker, Roseville Schools
September 1990 to January 1992; January 1992 to January 1996; January 1996 to January 2000

1504 Albany Avenue
St. Paul MN 55108

Position 5

Jane Braun

Licensed Social Worker
Ramsey County Child Protection Services
May 1992 to January 1996; January 1996 to January 2000

179 South Lexington Parkway
St. Paul MN 55105

Position 6

VACANT

Jean Hegberg

Licensed Social Worker
Director of Social Services, Forest Lake Hospital
March 1996 to January 1997; January 1997 to September 1998

Position 7

Paul Gaston

Licensed Social Worker
Department of Human Services
January 1998 to January 2001

3925 Woodview Ct
Vadnais Heights MN 55127

Position 8

Peter Langseth

Licensed Social Worker
Director of Social Services, Lakewood Healthcare Center
September 1993 to January 1997; January 1997 to January 2001

111 5th Avenue North
Baudette MN 56623

Position 9

Bonnie Raleigh

Public Member

St. Paul Urban League

June 1995 to January 1999

776 Fuller Avenue

St. Paul MN 55104

Position 10

Lois McDougall

Public Member

April 1991 to January 1995; January 1995 to January 1999

1460 - 75th Street NE

Rochester MN 55906

Position 11

Miriam Bergmark

Public Member

March 1997 to January 2001

10032 Stillwater Lane North

Lake Elmo MN 55042

Alice Fuglestad

Public Member

February 1993 to January 1997

Position 12

Marilyn Kiloran

Licensed Independent Social Worker

January 1998 to January 2001

Rt 1 Box 400

Motley MN 56446

Position 13

Margaret Sebring Khali
Licensed Social Worker
School Social Worker,
January 1998 to January 2002

RR 2 Box 127
Granite Falls MN 56241

Position 14

Daniel Lemon
Public Member
January 1998 to January 2001

900 15th St NW
Bemidji MN 56601

Position 15

Samlong Inthaly
Public Member
January 1998 to January 2000

682 Eagle Ridge Road
Woodbury MN 55125

E. NAMES AND CLASSIFICATIONS OF BOARD EMPLOYEES

Barbara Affeldt

Clerk Typist 3

July 1996 to June 1998

Jamie Cullen

Social Worker

began June 1998

Mary Durham (Milton)

Clerk Typist 1

November 1996 to December 1997; March 1998 to June 1998

Chris Emery

Clerk Typist 3

July 1996 to June 1998

Barbara Kough

Commerce Consumer Liaison

July 1996 to June 1998

Thomas McSteen

Executive Director

July 1996 to June 1998

Connie Oberle

Clerk Typist 4

July 1996 to June 1998

Nancy O'Brien

Clerk Typist 3

July 1996 to June 1998

Mary Olympia

Investigator

July 1996 to June 1998

LeAnn Simonson

Social Worker

July 1996 to December 1997

Jean Westley
Clerk Typist 2
April 1998 to June 1998

Kate Zacher-Pate
Social Worker
July 1996 to June 1998

F. SUMMARY OF RULES PROPOSED OR ADOPTED

The Board of Social Work did not propose or adopt any rules between July 1, 1996 and June 30, 1998.

During the second half of FY 1998, the Board did began the rulemaking process. The Board's proposed rules were published in August 1998, and the Board held a public hearing in September 1998.

G. NUMBER AND TYPES OF LICENSES
(Number and Percentages by Licensure Level)

Pages 12-A, 12-B, and 12-C present the above statistics for the end of FY 1997 and the end of FY 1998.

- J. PERSONS LICENSED AFTER TAKING THE EXAMINATION**
- K. PERSONS NOT LICENSED AFTER TAKING THE EXAMINATION**
- L. PERSONS LICENSED BY OTHER THAN EXAMINATION**

Page 12-D presents the licensure basis for persons granted licensure, either by examination or by reciprocity.

Very few people do not complete the licensing process upon passing the examination, so these statistics are not maintained. The number of persons not passing the examination are reflected on page 13.

GENERAL LICENSURE STATISTICS

Licenses Granted									
Date	Total Number	LSW		LGSW		LISW		LICSW	
		#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	11341	6655	59	1096	10	1142	10	2448	22
July 1996	11903	7049	59	1216	10	1153	10	2485	21
July 1997	13040	7479	57	1313	10	1229	10	3018	23
July 1998	13642	7885	58	1459	11	1236	9	3061	22

Current Licenses										
Date	Total	% of Granted	LSW		LGSW		LISW		LICSW	
			#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	8613	76	4919	57	737	9	838	10	2119	25
July 1996	9002	76	5204	58	838	9	829	9	2131	24
July 1997	9328	72	5253	56	865	9	846	9	2563	27
July 1998	9783	72	5429	55	975	10	827	8	2551	26

Non-Current Licenses										
Date	Total	% of Granted	LSW		LGSW		LISW		LICSW	
			#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	2728	24	1736	64	359	13	304	11	329	12
July 1996	2901	24	1845	64	378	13	324	11	354	12
July 1997	3712	28	2226	60	448	12	383	10	455	12
July 1998	3859	28	2456	64	484	13	409	11	510	13

NON-CURRENT LICENSURE STATISTICS

Inactive											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	611	22	5.4	396	65	60	10	71	12	84	14
July 1996	640	22	5.4	416	65	61	10	75	12	88	14
July 1997	685	18	5.3	441	64	70	10	81	12	93	14
July 1998	748	19	5.5	490	66	75	10	82	11	101	14

Voluntary Termination											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	388	14	3.4	201	52	85	22	40	10	62	16
July 1996	421	15	3.5	212	50	94	22	43	10	72	17
July 1997	537	14	4.1	279	52	112	21	53	10	93	17
July 1998	651	17	4.8	336	52	131	20	66	10	118	18

Expired											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	1614	59	14.2	1106	69	204	13	161	10	143	9
July 1996	1717	59	14.4	1182	69	213	12	172	10	150	9
July 1997	2133	57	16.3	1458	68	257	12	211	10	207	10
July 1998	2294	59	16.8	1580	69	269	12	221	10	224	10

Emeritus/Deceased											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1995	115	4	1.0	33	29	10	9	32	28	40	35
July 1996	123	4	1.0	35	28	10	8	34	28	44	36

Emeritus											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1997	90	2	0.7	19	21	2	2	34	38	35	39
July 1998	97	3	0.7	20	21	2	2	36	37	39	40

Deceased											
Date	Total	% of Total Non- Current	% of Granted	LSW		LGSW		LISW		LICSW	
				#	% of Total	#	% of Total	#	% of Total	#	% of Total
July 1997	67	2	0.5	29	43	7	10	4	6	27	40
July 1998	69	2	0.5	30	43	7	10	4	6	28	41

Licenses Granted									
Fiscal Year	Total Number	LSW		LGSW		LISW		LICSW	
		#	% of Total	#	% of Total	#	% of Total	#	% of Total
1996	866	572	66	165	19	25	3	104	12
1997	834	523	63	178	21	27	3	106	13
1998 (June)	598	401	67	146	24	7	1	44	7

LICENSURE BASIS

Examination						
Fiscal Year	Total Number	% of Granted	LSW	LGSW	LISW	LICSW
1996	445	51	320	115	2	8
1997	458	55	340	107	0	5
1998 (June)	510	85	372	125	1	10

Reciprocity						
Fiscal Year	Total Number	% of Granted	LSW	LGSW	LISW	LICSW
1996	116	13	46	32	7	31
1997	94	11	31	22	5	34
1998 (June)	88	15	28	22	4	33

H. LOCATION AND DATES OF EXAMINATIONS
I. PERSONS TAKING THE EXAMINATION

From July 1, 1996 to December 31, 1997, the social work licensing examinations, offered by the American Association of State Social Work Boards (AASSWB), were offered on a daily basis in Bloomington, and a varying number of times per month in Duluth, St. Cloud, Moorhead, Rochester, and Marshall.

Beginning January 1, 1998, the social work licensing examinations are now offered on a daily basis in Bloomington, Woodbury, Duluth, St. Cloud, and Rochester; the test is also offered in Fargo, North Dakota, Sioux Falls, South Dakota. This change reflects AASSWB's use of a different testing vendor.

At this time, Minnesota has not collected statistics on gender, age, or state of residency, specific to persons who take the licensing examination.

The following table illustrates Minnesota's strong passing rate on the national licensing examination:

<i>Percentage of Applicants Passing the Licensing Examination</i>				
	1996		1997	
	MN	Natl.	MN	Natl.
Basic (LSW)	93	87	93	82
Intermediate (LGSW)	95	83	94	88
Advanced (LISW)	79	58	69	58
Clinical (LICSW)	94	81	92	82
** These statistics are based on all persons who took the exam, including repeat takers. Statistics for first-time takers are higher; for example, MN first-time takers in 1997 passed as follows: Basic - 96; Intermediate - 96; Advanced - 79; and Clinical - 94.				

M. DISCIPLINARY ACTIONS

Atherton, Bruce, LICSW (Lic. No.: 7362) Date of Order: 5/15/98

Facts: Licensee provided therapy to client #1 for approximately two years for depression and probable borderline personality disorder. Despite his suspicion of her personality disorder, Licensee engaged in conduct which violated professional boundaries. Licensee treated client #2 for depression in weekly sessions from approximately November 6, 1989 through July 1991. Licensee knew client #2 was uncomfortable hugging because of her background of abuse. On one or more occasions, Licensee nevertheless hugged client #2 during or at the conclusion of therapy sessions. In one case, Licensee hugged the client after a particularly grueling session where client #2 had made significant revelations and cried repeatedly. Licensee stated he hoped a hug at that moment might break through the client's fear of touch. The client misinterpreted the hug and became extremely uncomfortable. Licensee acknowledges he failed to identify cues from the client and her history which would have alerted him to the high risk that the client would misinterpret his statements and actions.

In October 21, 1991, Licensee was notified that his employer intended to dismiss him from employment. On November 20, 1991, Licensee signed a settlement agreement with the employer and agreed to voluntarily resign.

Licensee has a history of chemical dependency for which he received therapy during approximately 1990, however, he did not complete therapy for financial reasons. Licensee has also attended various twelve-step groups in support of his recovery, and has suffered from and received treatment for chronic depression. Licensee did not practice social work between October 1991 and April 1998.

Remedy: Conditioned and restricted license as follows: Licensee shall obtain a mental health and chemical dependency evaluation. The Complaint Panel may refer Licensee for enrollment in the Health Professionals Services Program ("HPSP") after obtaining the results of the evaluation. Licensee shall successfully complete a course in professional boundaries training and practice social work only under the supervision of a supervising social worker.

Bawden-Steele, Mary Lynn, LSW (DOB: 4/15/45; Lic. No.: 1387) Date of Order: 5/15/98

Facts: Licensee provided social work services to client #1, an individual diagnosed by a psychiatrist as a paranoid schizophrenic. Licensee visited client #1's apartment, after the County Human Services Adult Protection Unit received a report that client #1 exhibited signs of self-neglect, to assess client #1's ability to properly care for himself. Licensee notified the reporter of her conclusion that the allegations were "false" with respect to client #1's ability to resolve his own emotional and

behavioral problems. After Licensee's assessment, she continued to visit client #1 at his apartment approximately four or five additional times. During this time period Licensee determined that it was "unethical" for her to continue providing services to client #1 because she concluded he was not disabled or vulnerable and that further services were not necessary. She closed client #1's case on July 26, 1996.

By approximately October 1996, Licensee was engaged in a sexually intimate relationship with client #1. Licensee engaged in sexual intercourse with client #1 on several occasions, and their relationship continued to be sexual until at least December 1996. On December 3, 1996, Licensee and her co-worker spoke for approximately one hour on the phone regarding her need to terminate the sexual relationship with client #1. Licensee admitted that she had been drinking. In January 1997, Licensee had an assessment for chemical dependency and was diagnosed as "alcohol dependent, 303.90, with physiological dependence, per the DSM-IV." Licensee began treatment on January 20, 1997. On or about February 12 or 13, 1997, a vulnerable adult report was received with respect to client #1. The report identified Licensee as the perpetrator and detailed behavioral evidence of self-neglect by client #1 related to his deteriorating emotional status in connection with his relationship with Licensee. Client #1 appeared to be emotionally dependent on Licensee and unable or unwilling to terminate his relationship with her, despite the distress and anxiety he experienced from their association.

Remedy: Permanent surrender.

Berg, David B., LSW (Lic. #11068; DOB 8/10/67) Date of Order: 7/19/96

Facts: Licensee practiced as a school social worker without a license. In July 1994, the Licensee applied to the Board for a license but did not complete the licensure process or requirements. On August 30, 1994, the Licensee began employment as an Elementary School Social Worker. Between August 30, 1994, and the present, the Licensee practiced social work as a school social worker without a social work license. Licensee explained that his boss at the Leaf River Education District told him he only needed his Board of Teaching license.

Remedy: Reprimand. Civil penalty to the Board in the amount of \$200.

Carle, Mary Kay, LICSW (Lic. No.: 00531) Date of Order: 5/15/98

Facts: From 1985 to 1991, Licensee provided therapy to client #1, her husband, and her children for parenting, family and marital issues. Licensee prepared three different sets of progress notes for sessions with client #1 and her husband for the time

period of September 1987 to November 1987. Client #1's chart contains no progress notes for the following dates on which Licensee provided services according to the billing ledger: 6/17/87; 1/15/90 and 7/29/91. Client #1 chose Licensee as her therapist because client #1 and Licensee were friends. Licensee did not refer the client despite their personal relationship. During therapy, client #1 attended a shower for Licensee's daughter in 1991 and attended the daughter's wedding. Beginning in October 1988 Licensee's husband provided therapy to client #3 and her husband. Billing ledgers indicate Licensee billed for sessions on thirteen dates for which there are no corresponding progress notes. Client #4's chart contains no treatment plan. Client #4's chart contains no progress notes for seven session dates listed on the billing ledger for which Licensee is listed as the therapist providing services to client #4's son.

Remedy: Surrendered license.

Carle, Daniel F., LICSW (Lic. No.: 3245) Date of Order: 5/15/98

Facts: Licensee provided therapy to client #1. In early 1992, client #1 told Licensee she was hospitalized for surgery. Licensee told the clerical staff that the surgery on client #1 would be performed without an anesthetic. Licensee also stated that client #1 was on a special code status so no one would know she was in the hospital. Licensee instructed clerical staff to interrupt him at any time, including during other clients' sessions, to take calls from client #1 or her nurse "Jennifer." Licensee spoke with "nurse Jennifer" on at least six occasions about client #1. Licensee did not attempt to obtain a release from client #1 before speaking with "nurse Jennifer." At a clinical meeting on March 17, 1992, the clinical director reported he had not been able to corroborate that client #1 was a patient at the hospital she named. He stated he called client #1's apartment and she answered the phone. Client #1 then admitted to creating the whole hospitalization story.

Licensee admits that client #1 stayed in his home on one occasion and states that he did not provide therapy to her while she was at his home. Licensee described this as a "tender time," and that he and his wife comforted client #1 while she cried and then tucked her into bed. Licensee failed to initiate any accepted crisis intervention and had no plan if client #1 deteriorated while in his home. In January 1992 Licensee billed an insurance company \$115 each for phone consultations on five occasions. An explanation of benefits form indicates that these phone consultations were billed as psychiatric outpatient visits. Licensee told the investigator that the January phone consultations were with "nurse Jennifer." Licensee billed client #1 for sessions on weekends held at his home. Mr. Carle did not prepare any progress notes for these weekend sessions.

From 1983 to 1992 Licensee provided therapy to client #2. Earlier, Licensee

provided therapy to client #3, client #2's female companion. On approximately May 8, 1990, Licensee wrote a letter on client #2's behalf in which Licensee threatened legal action would be taken against client #3 for blackmail and extortion if she did not stop her activities against client #2 after their break-up. Licensee gave the letter to client #2 to use. Licensee told the investigator that "human sense sometimes overlooks technical ethics" and Licensee felt he needed to write the letter to prevent client #2 from committing suicide. Licensee stated he wrote the letter with a lot of thought and would do it again.

On November 19, 1991, during a clinical staffing regarding client #2, staff members discussed Licensee's multiple levels of involvement with client #2 and recommended that the client be referred to a therapist nearer his home to better accommodate client #2's need for frequent and ongoing outpatient treatment. While client #2 was receiving therapeutic services from Licensee and his wife used client #2's cabin on several occasions, once using it for a party. Licensee failed to maintain adequate records for and improperly billed client #2. Client #2 paid cash in advance for his therapy, often paying \$1,000 to \$1,500 up front for his care. Ledger cards indicate that throughout client #2's treatment with Licensee, he paid for sessions in advance, often resulting in a credit balance of hundreds of dollars on his account. Between January 1987 and May 1990 ledger cards indicate that Licensee had 18 therapy sessions with client #2. There are no corresponding progress notes for these sessions.

Remedy: Surrendered license.

Champion, Cheryl, LGSW (DOB: 3/29/52; Lic. No.: 11195) Date of Order: 3/13/98

Facts: From March 1995 to January 1996, Licensee was employed as a part-time on-call social worker at a health facility in St. Paul. On her January 15, 1997, license renewal application submitted to the Board, Licensee failed to report that she had been the subject of disciplinary action related to her employment at the facility. Specifically, Licensee answered "no" to the following question in Section VI, Ethical Considerations: "7. Have you ever been terminated from employment or otherwise disciplined by your employer for conduct related to the practice of social work?"

Remedy: Reprimand

Chlebeck, Dennis, LICSW (Lic. No. 2751 DOB 3/21/51) Date of Order: 11/22/96

Facts: Licensee provided family counseling to client #1 and members of her family from approximately February 1991 to June 1991. Licensee failed to report an incident of sexual abuse of client #1's nine-year-old child, client #2. Client #2 indicated

the sexual assault consisted of a family member making client #2 touch the family member's breasts, talking about condoms, intercourse, erections and ejaculation. Licensee told client #1 what the family member did was awful but because there was no genital touching he could not report the incident to Child Protection because they would not touch it. Licensee's progress notes contain no reference to this conversation.

In a letter to the Board Licensee indicated he did not recall that client #1 related a concern regarding sexual abuse by any named perpetrator. At a conference before the Complaint Panel, Licensee stated he did recall client #1 relating incident of abuse of client #2; however, Licensee assumed client #1 had already reported the incident and believed client #1 stated that she had told a previous therapist about the abuse.

Client #1 attempted to obtain her treatment records from agency where Licensee provided services; however, Licensee had the removed the records from the agency. When client #1 asked Licensee for records Licensee told client #1 he did not have her records and did not know where her records were. Licensee later submitted a copy of client #1's records to the Board. Licensee stated he did not recall refusing to release records to client #1.

Remedy: Conditions and Restrictions as follows: a) Practice under the supervision of a supervising licensed independent clinical social worker for two hours per month for six months; b) complete a minimum of ten credits of continuing education on reporting abuse of minors; c) return all client records in his possession to agency ; d) pay the Board a civil penalty of \$250.

Chlebeck, Dennis, LICSW (Lic. 2751)

Date of Order: 5/15/98

Facts: Licensee was disciplined by the Board on November 22, 1996 for failure to report the abuse of a minor and for his inappropriate handling of client records. Licensee has successfully fulfilled all conditions of the Order, and the Board has approved Licensee's petition for an unconditional license to practice social work .

Remedy: Unconditional License.

Curry, Willie Julius, LGSW (Lic.: 1204 DOB 12/4/32) Date of Order: 2/5/97

Facts: Licensee provided therapy and family counseling to client #1 in her home for parenting skills, self-esteem issues, and relationship issues, including for physical and emotional abuse of client #1. Licensee failed to include either a treatment plan or goals for therapy in client #1's chart.

After a session on September 23, 1994, Licensee and client #1 agreed to meet for another session in two weeks. Client #1 did not contact Licensee for an appointment and did not resume therapy until October 1995. After the September session, Licensee did not call client #1, send a termination letter, or provide names of other therapists for the client.

In December 1995, Licensee invited client #1 to join him at a local cafe where his jazz band was playing. Licensee told client #1 he needed to talk to her about some mixed feelings he had for her. When client #1 could not arrange to meet Licensee at the cafe, Licensee asked if he could come to her home. Client #1 agreed to meet with Licensee at her home, and during the meeting Licensee told client #1 he was attracted to her. When Licensee stood up to say good-bye, he asked client #1 for a hug. Licensee put his arms around client #1 in a full body hug. Licensee kissed client #1 on the neck and mouth, and began kneading her buttocks on the outside of her sweat pants. When client #1 pushed Licensee back Licensee began touching her breasts on the outside of her shirt. Licensee kissed client #1 again and slid his hand inside her sweat pants along her inner thigh and touched her genital area. Client #1 said, "No" which caused Licensee to remove his hand. Licensee apologized and left. On January 30, 1996, a police officer interviewed Licensee with respect to his conduct with client #1. Licensee admitted having sexual contact with client #1.

Remedy: Conditions and Restrictions as follows: a) Shall not provide social work services outside of a school social work setting or individual psychotherapy in any setting; b) practice under the supervision of a Licensed Independent Clinical Social Worker for one hour per week for a period of eighteen months; c) shall receive psychotherapy and comply with the therapist's treatment recommendations; d) complete a boundaries course; e) pay the Board a civil penalty of \$500.

Curry, Willie Julius, LGSW (Lic.: 1204; DOB: 12/4/32) Date of Order: 3/13/98

Facts: Licensee was disciplined by the Board on February 5, 1997, for inadequate record keeping, failure to maintain professional boundaries, and for having sexual contact with a client. Licensee has fulfilled the conditions of the Order with the exception of completing a boundaries course. By letter dated January 6, 1998, Licensee informed the Board he planned to retire from his school social work practice effective January 31, 1998, and would not be renewing his social work license. On February 26, 1998, Licensee signed an Affidavit for Voluntary Termination of License.

Remedy: Board approved an **Amended Order** which stayed the boundaries course requirement and accepted Licensee's voluntary termination.

Dorothy, Ross E., Lic. # 10297. (DOB 12/9/53) Date of Order: 7/19/96

Facts: Licensee provided psychotherapy to client #1 in approximately 24 individual sessions between February 10, 1994, and September 17, 1994. During therapy sessions Licensee discussed client #1's fear of being rejected or abandoned, and the client's dependency. Licensee met client #1 in a restaurant in another city, and later admitted to the Director of his agency that it was not good clinical judgment and assured the Director it would not occur in the future. On February 6, 1995, Licensee resigned from his agency, after he admitted to the agency's psychiatrist that he had seen client #1 at his apartment. On February 7, 1995, Licensee became drunk and told client #1 that if he killed himself and her co-worker the "whole thing would be over." Licensee was admitted to the Adonai Hospital's Mental Health Unit. Licensee completed a chemical dependency evaluation, went through chemical dependency treatment, and completed an after-care program.

Remedy: Suspension for a period of ninety (90) days. Prior to petitioning the Board to remove the suspension and reinstate his license to practice social work, Licensee shall submit to a mental health evaluation. Licensee may petition the Board to remove the suspension and reinstate his license, either with or without restrictions, only if the evaluation finds that he is capable of practicing social work safely and competently. Licensee shall pay to the Board \$500, in partial reimbursement for the cost of the investigation.

Dorothy, Ross E., LICSW (Lic.:10297; DOB: 12/9/53) Date of Amended Order: 1/27/97

Facts: On July 19, 1996, the Board adopted a Stipulation and Order which suspended Licensee from social work practice for a period of 90 days. On November 11 and November 14, 1996, Licensee was evaluated by a licensed independent clinical social worker and found to be capable of practicing social work in a safe, ethical and competent manner provided he refrain from the use of alcohol or mood altering drugs; receive psychotherapy; and limit his practice. Licensee paid the Board a civil penalty of \$500.

Remedy: The suspension of Licensee's license has been lifted and reinstated with the following conditions and restrictions: a) Practice is limited to evaluation, assessment and/or short term therapy until his therapist reports Licensee is in sustained remission and has made substantial progress in therapy; b) comply with the treatment recommendations of the therapist; c) attend AA meetings approximately three times per week; d) practice under the supervision of a licensed independent clinical social worker for one to two hours per month for a period of 12 months.

Dorothy, Ross E., LICSW Lic. # 10297. (DOB 12/9/53) Date of Order: 3/13/98

Facts: Licensee was disciplined by the Board on July 19, 1996, for sexual misconduct with a client. An Amended Order was issued on January 27, 1997 that indicated Licensee had complied with the ninety-day suspension, submitted to a mental health evaluation, and was capable of practicing social work in a safe, ethical and competent manner,

while adhering to the remaining restrictions and conditions, which were: practice restrictions, individual therapy, attending AA meetings, and being supervised by a Licensed Independent Clinical Social Worker.

Remedy: The Board approved a Second Amended Order that removes all practice restrictions and therapy requirements.

Edwards, Nancy K., LISW (DOB: 3/18/44; Lic. No.: 3766) Date of Order: 5/15/98

Facts: Licensee provided individual therapy to client #1 in four sessions in 1992. Licensee's notes do not contain an assessment or diagnosis, a statement of therapy issues, or a treatment plan. Client #1's husband referred her to Licensee for therapy upon the recommendation of a co-worker friend, whose child was also Licensee's client (client #2). Licensee showed client #1 drawings from client #2's file which identified client #2 by name. Licensee used client #2's name in her notes for client #1's therapy session on March 6, 1992. Licensee admitted that she showed client #1 the drawings and paintings and that it made client #1 uncomfortable. Licensee stated that she had a "sinking feeling at the time, and I knew as soon as I did it, it was a lapse in professional judgment.

Licensee provided individual and group therapy to client #4. Client #4 sought therapy after experiencing flashbacks to being sexually abused as a child. Licensee failed to establish an adequate treatment plan for the multiple, complex issues presented by client #4. Despite Licensee's view that client #4 did not have MPD, her therapy sessions included interventions for client #4, including discussing alters, journaling her "parts," and suggesting that she have one alter write a story. During the course of therapy with client #4, Licensee received supervision. Licensee's supervisor advised her that client #4 was having issues with normal development, family separation, and trauma. Licensee's supervisor advised her to "continue non-directive mode re potential abuse" in her therapy with client #4. The supervisor related her concerns about a false memory accusation and advised Licensee to be careful and not to "lead" client #4. Licensee failed to create a treatment plan or to maintain any group therapy records for the group sessions client #4 attended. Licensee stated that if anything significant takes place in group, she incorporates that information in the individual client files. Between October 1992 and May 1996 there were 196 weeks of group therapy sessions. Client #4 rarely missed group, yet Licensee's individual records for client #4 contain only 16 references to group sessions.

Remedy: Reprimand and conditioned and restricted as follows: Licensee shall practice social work only under the supervision of a supervising LICSW.

Farrar, Wendy, LICSW (Lic. No. DOB: 10/04/47) Date of Order: 7/18/97

Facts: On September 8, 1995, the Board adopted a Stipulation and Order which suspended Licensee from social work practice for a period of 90 days. Licensee practiced social work, after the 90 day suspension under the supervision of a supervising Licensed Independent Clinical Social Worker. Quarterly reports submitted to the Board by Licensee's supervisor support the conclusion that Licensee has demonstrated the ability to provide competent services, including formulating and implementing goals for therapy, record keeping, maintaining appropriate boundaries, and recognizing and appropriately handling transference and counter transference.

Remedy: Unconditional license.

Gallivan, Thomas J., Jr. (Former LISW, Lic No. 9112) DOB: 12/18/46 Date of Order: 7/19/96

Facts: Licensee violated the terms of the January 27, 1995 Stipulation and Order. Licensee advertised and held himself out as a licensed social worker after his license was suspended. On or about July 31, 1995, Licensee mailed a business card listing his credentials as "Thomas Gallivan, M.S., L.I.S.W." and representing that he provides "Individual & Group Psychotherapy." In the same mailing, Licensee sent a flyer headed "Relationship Therapy: A Path to Intimacy and Wholeness," representing his credentials as "Tom Gallivan, M.S., L.I.S.W."

Remedy: Revocation.

Goodale, Tammy S., Applicant (Lic. No: ; DOB 6/3/60) Date of Order: 7/18/97

Facts: On June 23, 1995, Licensee was offered a position as an Adult Outpatient Psychiatric Social Worker at a mental health center, conditional upon being licensed at the Licensed Independent Clinical Social Worker (LICSW) level "at the earliest practical opportunity." Licensee began employment on July 1, 1995 and applied for licensure at the LICSW level on January 3, 1996. Licensee practiced social work without a license from July 1, 1995 until May 17, 1996. Licensee was reprimanded by her employer for canceling clients when she had the means to be at the clinic, and for being late with clients. Licensee was discharged from the clinic on May 17, 1996. Between July 26, 1996 and September 13, 1996 Licensee provided social work services to two clients who had been on her case load at the clinic.

Remedy: Licensee was approved for licensure at the LISW level of licensure and Reprimanded for practicing social work without a license from July 1995 to the fall of 1996. Licensee must pay to the Board a civil penalty of \$500. Licensee shall practice social work only under supervision of a LICSW, and meet with the supervisor no less than two hours per month for a minimum period of six months.

John, Jenifer E., LGSW (DOB: 11/05/49; Lic. No.: 7448) Date of Order: 12/12/96

Facts: On November 4, 1994, the Board adopted a Stipulation and Order which restricted and conditioned Licensee's practice of social work. Licensee practiced social work under the supervision of a LICSW for two years, obtained individual psychotherapy, completed graduate-level course in boundaries and ethics, completed 10 credits of continuing education units on professional boundaries, and paid a fine of \$500. Quarterly reports submitted to the Board by Licensee's supervisor support the conclusion that Licensee has met the goals of supervision. Quarterly reports submitted to the Board by Licensee's therapist confirm that Licensee has successfully completed therapy.

Remedy: Unconditional License.

Kemp, Eugene, LICSW, (Lic #7663, DOB 11/17/29) Date of Order: 9/13/96

Facts: For nearly two years, Licensee saw client #1 once or twice per week for individual, marriage and family counseling. Client #1 and her husband also participated in a couples' group. During the two years, Licensee was aware of paternal counter-transference on his part toward client #1. Licensee exchanged hugs with client #1 at the end of many sessions. On one occasion, client #1 came to Licensee's office to drop off a book or to pay a bill. Licensee and client #1 kissed. During the next two weeks Licensee and client #1 went to dinner on her birthday to celebrate the end of the professional relationship and the beginning of a romantic relationship. They also met and spoke by phone frequently. Licensee continued a personal romantic relationship with client #1 after termination of therapy except for a ninety-day period recommended by his own counselor. Licensee and client #1 began a sexual relationship approximately a year and a half after therapy ended.

Client #1's husband had seen Licensee for marriage and family counseling with client #1 and participated in Licensee's men's group. The husband asked to have a session to discuss Licensee's personal relationship with client #1. Licensee agreed and discussed the relationship and the husband's options. Licensee billed the husband. Licensee states he believes the meeting was therapeutic for the husband, client #1, and himself, since it was intended to facilitate communication among all three individuals. Licensee stated that most of his closest friends are former clients. One former client who had seen Licensee for marriage counseling contacted Licensee with an investment opportunity. Licensee invested and the two continue a business and friendship association. Another client became Licensee's sports partner while still in therapy. The attorney who represented Licensee in his appearance before the Complaint Panel is a former client.

Remedy: Voluntary Surrender Licensee agreed not to reapply for a license to practice social work in Minnesota.

Kopecky, David (Former LSW, Lic. No.: 9196) Date of Order: 3/25/98

Facts: Licensee was employed part-time by Hennepin County Department of Social Services. In December 1992, Licensee was assigned as a home care case aide to client #1, an 86-year-old man with failing health. On June 24, 1996, Licensee pled guilty to the following charges, all of which were felonies: count number I: theft by swindle over \$35,000; count number V: theft by swindle over \$2,500; count number VII: theft by swindle over \$2,500; count number XI: check forgery, offering a forged check; and count number XX: aggravated forgery, as follows:

- a. Count I. On August 23, 1993, Licensee drew a check upon client #1's account for \$150,000 without the authority to do so. Licensee deposited the funds into a joint account of client #1 and Licensee.
- b. Count V. From January through June 1993, Licensee obtained in excess of \$2,500 by the use of automatic teller machine cards issued to client #1, without authority from client #1. Those cards drew on client #1's accounts at two separate banks.
- c. Count VII. On or about July 21, 1993, Licensee obtained and cashed a tax return check payable to client #1 in the amount of \$9,020.
- d. Count XI. On or about February 16, 1993, Licensee falsely made or altered a check or checks drawn on client #1's checking account for at least \$80,000, so that the check(s) appeared to have been made with client #1's authority.
- e. Count XX. Between September and December 1993, Licensee intended to defraud client #1 by altering writings, in that he cut or copied portions of client #1's bank statements to delete references to ATM transactions. He represented to client #1 that the information was correct. Licensee was sentenced for the crimes listed above, with his longest sentence being 35 months, and ordered to pay restitution in the amount of \$30,000.

Remedy: Revocation. Reimburse the Board in the sum of \$2,817.50.

Lyng, Gwendolyn, Applicant (Lic. No.:--, DOB: 9/20/60) Date of Order: 1/16/98

Facts: Licensee has a history of chemical dependency, depression, and an eating disorder and was disciplined by the Wisconsin Board of Nursing ("WBN") and the Minnesota Board of Nursing ("MBN"). The MBN suspended Licensee's license on the basis of her chemical use history and a diagnosis of chemical dependency. The license was reinstated on December 18, 1996, conditional upon Licensee's successful participation in the Health Professionals Services Program (HPSP). On April 4, 1997, Licensee entered into an agreement with HPSP, with monitoring to begin when she began practicing nursing. On September 17, 1997, Licensee began employment as a professional nurse on the med-surge unit of Northfield Hospital, Northfield, Minnesota. Licensee has a criminal history, which includes a

December 1990 citation for misdemeanor theft for diverting diuretics and Valium from a Wisconsin hospital. Licensee failed to provide truthful answers to two questions in the Background History and Ethical Considerations section on her April 27, 1997, application for licensure with the Board. Specifically, Licensee failed to report her criminal convictions and that she was disciplined by the WBN and MBN.

Remedy: Reprimand and conditioned as follows: 1) Licensee shall participate in and successfully complete monitoring under HPSP; 2) The Board may take additional disciplinary action against Licensee's license if the Board receives evidence that she violated a requirement of the Stipulation, was discharged from HPSP prior to successful completion, voluntarily terminated her participation in HPSP prior to her successful completion, or made misrepresentations to the Board or engaged in any act or omission which would be a violation of Minn. Stat. 148B.26 (Supp. 1997).

Marks, Marlene N., LICSW (DOB: 12/24/63; Lic. No.: 5030) Date of Order: 5/15/98

Facts: From approximately May 1992, to July 1994, Licensee was assigned as client #1's therapist and case manager at a residential treatment center for children ages five to fourteen. In March 1992, client #1 was placed at the residential treatment center by the court. Client #1 was 12 years old upon admission. The October 21, 1992 and February 3, 1993 treatment reports indicated that Licensee concluded that client #1's mother was unable to meet the client's needs for support, consistency, etc., due to her chemical abuse, and recommended that client #1 not have home visits to his mother's house. Following client #1's discharge from the treatment center in July 1994, Licensee provided aftercare to client #1 and his father until approximately December 1994. The aftercare consisted of weekly visits for individual and family therapy; however, these sessions and the nature of the therapy were not documented.

During therapy session with client #1, photographs were taken which depicted Licensee and client #1 at a camp/retreat site hugging, tickling and wrestling with each other. Licensee explained that hugs are a part of therapy for all clients at the treatment center, if they want them, and that the hugging is consensual and non-sexual. Similarly, tickling occurs as part of the family atmosphere in the residence. Licensee acknowledged that tickling and hugging might not be appropriate for female staff with male adolescent clients.

Licensee and her fiancé took client #1 on numerous outings, and Licensee frequently took client #1 to her church during her personal time, with written authorization from client #1's father. During client #1's therapy at the treatment center and during client #1's aftercare, Licensee sent client #1 cards and letters

which were personal in nature. Many of the letters were signed "XXX OOO." Licensee explained during the investigation that she had a "couple of discussions" with client #1 regarding transference issues. Licensee asked client #1 if he was sexually attracted to her. He responded, "no," and indicated he viewed her more as a "mom." Licensee stated that she tried to impress upon client #1 that she was his friend and therapist, not his mother. Licensee indicated that client #1 was very dependent on her and often stated that he wished Licensee was his mother. Ms. Marks stated that client #1 included entries in his journal expressing hatred for his mother and wishing he could be cared for.

Remedy: Conditioned license. Licensee shall practice social work only under the supervision of a supervising Licensed Independent Clinical Social Worker for a minimum of fifteen months, and complete a college level or higher course in human behavior.

Mayotte, Allan C., LGSW (DOB: 4/13/46; Lic. No.: 8111) Date of Order: 5/15/98

Facts: Licensee provided social work services to client #1, a juvenile girl, while he was employed as a group coordinator and facilitator of an anger management program. Licensee recommended client #1 enter a "mentoring" relationship with Licensee as the mentor. Licensee stated that he came to view client #1 as though she were his daughter. Licensee's mentoring included inviting client #1 to meet his family and attend a family outing, telephoning her regularly, giving her a Christmas gift, visiting her at her workplace, involving her in sports activities, offering to pay her entrance fee to certain activities, and driving her to various activities.

Licensee arrived to pick client #1 up for one activity. The client was not home. Her mother told Licensee that client #1 did not want to participate in the activity but had not told Licensee because she did not want to let him down. Licensee asked client #1 to participate in another youth group. Client #1 agreed, but during the second group session, she felt uncomfortable and wanted to quit. Licensee talked to client #1 in a separate room, without turning on the lights, during a break in the session. Licensee told client #1 he loved her and cared about her and that she was special. Licensee hugged client #1 on that evening and on at least three other occasions. Client #1 resigned from the group as a result of the discomfort she felt regarding Licensee's conduct. Client #1 asked that Licensee not contact her because she "needed some space." Licensee sent client #1 a letter even though she had asked that he have no contact with her. Licensee later called client #1 and asked her if she received his letter. Client #1 again asked Licensee to leave her alone. Licensee received a written reprimand from the program director and his supervisor regarding his conduct with client #1.

Remedy: Conditioned and restricted. Licensee shall practice social work only under the supervision of a supervising Licensed Independent Clinical Social Worker, and

shall also successfully complete a professional boundaries course.

Pittman-Munke, Peggy (Lic.: 7027) Date of Order 11/22/96

Facts: Licensee failed to comply with the terms of the 2/12/93 Stipulation and Order in that she failed to provide proof of completion of CEH's within twenty-four months, failed to complete all required meetings with her supervisor, and failed to submit timely self-reports. Immediately following termination of therapy with client ZY and subsequent to the Board's disciplinary action, Licensee commenced a personal relationship with client ZY which fostered continuing dependency by the client on Licensee.

Remedy: Permanent surrender

Prokop, James J., LICSW (Lic. No.: 0550) Date of order: 5/15/98

Facts: Licensee was disciplined by the Board on February 18, 1994, and by a subsequent order on May 17, 1996 for conduct related to boundary issues. Licensee has successfully fulfilled all conditions of the Order.

Remedy: Unconditional license.

Richard-Gladen, Dorothy, LGSW (Lic. No. 5942 DOB: 10/13/43)

Facts: Licensee practiced social work while her license was on Inactive Status, misrepresented her social work licensure status to a potential employer and made knowingly false statements on a license renewal form submitted to the Board.

Remedy: Reprimand and a civil penalty of \$250. Licensee's license was able to be reactivated after she paid the penalty and fulfilled all requirements for her reapplication.

Rusin, Mary, LSW (Lic. No.: 10583, DOB: 6/18/49) Date of Order: 1/16/98

Facts: Licensee was employed at a mental health center as a day treatment counselor, and as a case manager. Licensee failed to observe professional boundaries or to coordinate services appropriately with other professionals. Client #2, suffered from a traumatic brain injury and had a history of poor impulse control, verbal aggression, and sexual comments and threats. Licensee's case notes for client #2

made numerous references to client #2's inappropriate behavior with her. This included making sexual comments, threatening her, calling her at home, touching her buttocks, and on at least one occasion, kissing her. Nevertheless, on at least five occasions, Licensee visited client #2 at his apartment.

Client #2 began regressing and acting out. Licensee's supervisors told her not to visit his apartment any more. On July 12, 1995, Licensee visited anyway. The client backed her into a corner and kissed her until a friend who was present told him to let her go. Licensee's case note says only that he kissed her and nothing about this physically threatening behavior. Licensee obtained no consultation about client #2's behavior. On July 21, 1995, client #2 came to Licensee's office and asked her to apply a medicated lotion to his back. Client #2 lifted up his shirt, and Licensee applied the lotion to his back and shoulders. Licensee told the Complaint Panel she saw no relationship between the client's assault on July 12 and asking her to lotion his back. She disagrees that sexualized transference may have been present and exacerbated by her conduct.

On April 10, 1996, Licensee was suspended for taking client #2 along with her and her two children on a shopping trip to Rochester from Wabasha on April 5, 1996, after working hours. Licensee's children knew he was a client. On April 12, 1996, Licensee was notified of her dismissal. Licensee requested unemployment compensation after her discharge at the May 21, 1996 hearing, and submitted a number of letters from former clients which attested to her skills and asked that she be reinstated. Licensee has stated that she saw nothing wrong with placing mentally ill clients in the middle between her and her employer, the agency from which they receive services. Licensee currently practices social work as an in-home counselor in Wisconsin.

Remedy: Reprimand and restricted license. Licensee shall successfully complete a professional boundaries course. If recommended by the boundaries course provider, Licensee shall obtain a mental health evaluation and a supervising social worker within one month of the recommendation.

Sadowski, Jame', LSW (Lic. #10420 DOB 11/13/59) Date of Order: 11/14/97

Facts: Between January 18, 1993, and November 10, 1995, Licensee was employed as a day treatment counselor. Beginning in early 1995, Licensee's supervisor and coworkers observed that she frequently had struggles with judgment and decision-making, failed to complete required client records and paperwork in a timely

manner, and arrived late for groups and left them early. In April 1995, Licensee then took a four-week medical leave due to her depression, anxiety and difficulties with medication. Licensee's physician approved her to return to work on May 15, 1995. Licensee's illness continued to impair her ability to practice social work. After progressive disciplinary action related to ongoing practice deficiencies with effects or potential effects on her clients, Licensee was terminated from employment in November 1995. On her March 3, 1996 license renewal form, Licensee answered "no" to the question, "Have you ever been terminated from employment or otherwise disciplined by your employer for conduct related to the practice of social work?" In a March 19, 1996 supervision report submitted to the Board, Licensee's supervisor wrote the following with respect to a recommendation for renewal of her social work license: "Guarded...Many efforts were made to assist Jame` in succeeding at performing her job duties. However, she was unable to fulfill the job requirements. I could not recommend Jame` working independently as a social worker in the field." By letter dated October 14, 1996, Licensee's psychologist expressed concern about Licensee's ability to practice based on the invasiveness of her symptoms of depression. In May 1997, the psychologist noted improvement and recommended biweekly appointments to secure the stability of Licensee's progress. Licensee is currently providing in-home counseling in LaCrosse, Wisconsin.

Remedy: Reprimand and restricted license. No more than ninety days prior to Licensee's return to practice in the state of Minnesota, she shall obtain a mental health evaluation from an evaluator who has been approved in advance by the Complaint Panel. The evaluation shall address the evaluator's opinion of Licensee's ability to practice social work safely and competently, and any necessary practice restrictions.

Schmidt, Richard G., LSW (DOB: 10/9/49; Lic. No.: 3033 Date of Order: 3/17/98

Facts: Licensee submitted three consecutive Licensure Renewal Applications dated July 25, 1991, September 28, 1993, and September 26, 1995, on which he checked "no" in response to a question which stated, "Have you ever had any criminal convictions?" On Licensee's September 24, 1997 Licensure Renewal Application, he first disclosed to the Board the fact of his conviction of a crime when he checked "yes" in response to the question which stated, "Have you ever had any criminal convictions?" Licensee explained that he was convicted of a felony in 1975 involving the sale of narcotics for which he served four months in a Colorado state penitentiary. Licensee stated he reported the conviction on his 1997 renewal

application because he felt guilty and needed to be honest in answering this question.

Remedy: **Reprimand**

Smith, Sherry L., LICSW (Lic. No.: 2138; DOB-----) Date of Order: 7/18/97

Facts: Licensee was employed as a Psychologist II at a Minnesota correctional facility. Licensee was not authorized to provide ongoing counseling or psychotherapy to inmates, but she did so nonetheless in the belief that she was so authorized. Licensee provided therapy to client #1. During one meeting with client #1, client #1 insinuated that he would like to establish a relationship with Licensee upon his release from the facility. Licensee told client #1 "that was not all right and out of the question."

On Licensee's last day at the facility, she gave client #1 and two other inmates her home phone number and invited them to call her if they wished. All three subsequently called. Licensee wrote letters to Client #1 and visited him frequently. During the visits, Licensee engaged in sexual contact with Client #1, including allowing client #1 to touch her breasts, buttocks, and anus. Client #1 also kissed Licensee during a number of visits. Between October 1991 and April 1993, while client #1 was incarcerated, Licensee personally visited him on more than 53 occasions. In February 1993, Licensee engaged in a physical altercation with client #1. Licensee told client #1 she would not marry him because they were not compatible.

Remedy: **Suspension.** Licensee's license to practice social work in Minnesota was suspended for period of 90 days. Prior to petitioning Board for removal of suspension, Licensee must submit to a mental health evaluation. Upon Licensee's petition to the Complaint Panel, and after review of the mental health evaluation, the Complaint Panel may reinstate a RESTRICTED license to Licensee. The conditions of reinstatement include successful completion of a course on professional boundaries, practicing social work under the supervision of a LICSW for a minimum of 18 months, and payment of a civil penalty of \$1500.

Spiering, Mary, LSW (Lic. No.: 8137; DOB 5/1/57) Date of Order: 7/18/97

Facts: Licensee facilitated a therapy group for clients with multiple personality disorder. During several sessions client #1 spoke of her chronic financial and transportation

problems. Licensee gave client #1 rides home from group therapy sessions on more than one occasion, and once picked client #1 up at her home and drove to the program office. Licensee also drove client #1 to a grocery store on one occasion. Licensee gave client #1 money on three or four occasions. Licensee admitted to her supervisor it was a mistake to give client #1 money. Licensee gave client #1 gifts and the use of Licensee's gas credit card. While Client #1 was hospitalized for suicidality, Licensee sent her a card addressed to client #1's child alter and other alters and wrote that she was sorry for the ways she contributed to client #1's distress and that she would like to support client #1 but acknowledged that the client may not feel safe enough with Licensee.

Licensee allowed clients to put their heads in her lap and stroked clients' hair. Client #3 began treatment at the program in April 1991. Her presenting problems included multiple personality disorder, abuse by a former therapist, eating disorder, non-cooperation of alters, flashbacks, court problems and self-mutilation. During a therapy session Licensee had client #3 place her head in Licensee's lap while Licensee stroked client #3's hair. When confronted by another staff person at the program about her contact with clients, Licensee told her she was just an "open, nurturing person," and Licensee referred to herself as a "boundary-less woman."

In July 1991, the Board of Social Work received Licensee's Application for Licensure Renewal form. In Section V, Licensee answered "no" to questions #9, "Have you been terminated from employment since you were granted social work licensure?" At the conference with the Complaint Panel Licensee stated that she had not been terminated from a position, but that she quit. However, Licensee applied for unemployment benefits and claimed she was terminated.

In 1991 and 1992, Licensee sexually harassed a program staff person under her supervision. While employed as a clinical director at another clinic, Licensee provided group and individual therapy to clients in day treatment programs for clients carrying multiple serious mental health diagnoses, including dissociative and multiple personality disorders. Licensee practice beyond the scope of her LSW license in that Licensee practiced clinical social work with these clients. Licensee is no longer practicing social work in Minnesota and does not intend to do so.

Remedy: Permanent Surrender

Stevens, Brian, Applicant (DOB: _____)

Date of Order: 5/15/98

Facts: On his application for licensure received by the Board on July 29, 1997, Applicant answered "no" to Ethical Considerations section question 9, "Have you ever had any criminal convictions?" Applicant failed to report that on November 27, 1990, he entered a DWI guilty plea and was sentenced to a year of probation and fined \$300, and on May 21, 1991, he entered a DWI guilty plea and was sentenced to two years of probation and thirty days of conditional confinement. Applicant states that he underwent inpatient chemical dependency treatment in February 1991 and that he has consumed no alcohol or engaged in the use of any unauthorized drug since that time.

Remedy: Reprimand.

Van Dyk, Brenda, LSW (Lic. No.: 4809. DOB 6/9/61) Date of Order: 11/14/97

Facts: From May 1992 to August 12, 1996, Licensee worked as a case manager in Child Protection and Children's Mental Health Services for Wright County. On August 12, 1996, the County Human Services Board discharged Licensee from employment for performance deficiencies. On a number of occasions, Licensee engaged in unprofessional conduct, failed to observe appropriate professional boundaries, and failed to advance the welfare and best interests of her clients and their families. Over the past six years, Licensee has been treated with medication and therapy for a variety of mental health issues. In October 1995, she took a medical leave of absence from her job.

Remedy: Surrender. Licensee may not reapply for licensure for at least 365 days from the date of the Stipulation and Order. Before reapplying for licensure, Licensee must retake the licensure examination and obtain a passing score; and obtain a physical, mental health, and chemical dependency evaluation performed by an evaluator who has been selected by the Complaint Panel.

Yelle, Barbara, LGSW, (Lic. No.: 2024 DOB 10/17/55) Date of Order: 11/14/97

Facts: On July 21, 1995, the Board adopted a Stipulation and Order which restricted and conditioned Licensee's practice of social work. Licensee practiced social work under the supervision of a LICSW for two years, completed a graduate-level course in child development, completed 15 credits of continuing education units in the clinical application of child development theory, paid a civil penalty of \$1500.

Quarterly reports submitted to the Board by Licensee's supervisor support the conclusion that Licensee has met the goals of supervision.

Remedy: **Unconditional License.**

N. NUMBER OF COMPLAINTS
O. SUMMARY OF COMPLAINTS

The Board received 127 complaints during FY 1997 and 173 complaints during FY 1998. Of these 300 complaints, 113 were open complaints at the end of June 1998.

The following is a break-down by allegation and fiscal year. Many complaints allege multiple allegations; only the primary allegation is reported here.

Allegation	FY 1995	FY 1996
Non-jurisdictional	4	7
Licensure Fraud	3	4
Licensure Qualifications	2	1
Supervision Compliance	2	2
Continuing Education Compliance	1	1
Unlicensed Practice	11	21
Incompetency	10	14
Unprofessional Conduct	52	50
Failure to Report Social Workers	0	4
Failure to Report Abuse of Children	2	4
Failure to Report Abuse of Adults	1	0
Mental / Chemical Impairment	4	8
Inappropriate Boundaries	5	7
Sexual Contact	1	4
Sexual Harassment	3	0
Sexual Contact w/ Former Client	3	2

Dual Relationships	2	1
Impaired Objectivity	1	1
Improper Record-Keeping	1	1
Breach of Confidentiality	7	6
Practice Beyond Permissible Scope	4	3
Wrongful Disparagement	1	3
Misrepresentation	0	1
Failure to Disclose Records	4	2
Failure to Report Conviction	3	26