

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION

EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST :

MICHAEL THOMAS FISHER,
RESPONDENT

FINAL DECISION AND ORDER
LS0003171SOC

The parties to this action for the purposes of § 227.53, Stats., are:

Michael Thomas Fisher
782 Huntington Drive
Sun Prairie, WI 53590

Social Worker Section
Wisconsin Examining Board of Social Workers,
Marriage & Family Therapists and Professional Counselors
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael Thomas Fisher, Respondent, date of birth July 30, 1965, was certified by the Social Worker Section as a social worker in the state of Wisconsin, pursuant to certificate number 4053, which was first granted September 1, 1994.
2. Respondent was granted certification pursuant to the grand-parenting provisions of 1991 Act 160, §21(2)(a)2, based upon his having been employed as a social worker at some time between May 1, 1992 and April 30, 1993. Respondent received a Bachelor of Arts in Psychology from the University of Wisconsin-Whitewater in 1989.
3. Respondent's last address reported to the Department of Regulation and Licensing is 782 Huntington Drive, Sun Prairie, WI 53590.
4. Respondent has not renewed his certificate since it expired on June 30, 1999, but could renew it pursuant to §

440.08(3)(a), Stats. and Wis. Adm. Code § SFC 1.08(2) by payment of fees and proof of completion of continuing education requirements.

5. From approximately September 4, 1994 to May 11, 1999, Respondent was employed by Dane County Department of Human Services, Division of Children, Youth and Families (DCDHS), as a social worker.

6. On May 12, 1995, Respondent was counseled by his supervisor at DCDHS as a result of Respondent having driven erratically and used inappropriate and profane language towards another driver, while on his way to a court hearing in the course of his job duties. Respondent contends that the other driver started the altercation, but agrees that he failed to properly control his temper.

7. On August 1, 1996, Respondent was counseled by his supervisor at DCDHS as a result of Respondent's angry use of profanity towards a community person. The incident took place at an event at which Respondent was presenting information on his own time, but at which he was identified in his employment role as a social worker. Respondent contends that the community person approached him in a threatening and inappropriate manner, but agrees that he failed to react in an appropriate manner.

8. On November 18, 1996, Respondent shouted in an inappropriate manner for some staff member to supervise two 7-year-old boys who had just been taken into custody for foster care placement and were in an inappropriate area of the office at DCDHS.

9. On February 6, 1997, Respondent was counseled by his supervisor at DCDHS. The counseling note Respondent received from his supervisor on that date said:

"Your angry behavior in the past has alienated foster parents, professionals in the community, community persons and colleagues in your own unit as well as in the substitute care unit. Your behavior has compromised your effectiveness in your job and the effectiveness and image in this office."

10. On several occasions from January 1998 through May 1998, Respondent interacted in an angry manner with another social worker and a clerical person at DCDHS. Respondent contends that the other personnel had done things that warranted responses from him, but agrees that he failed to respond appropriately

11. On May 6, 1998, Respondent interviewed a 15-year-old client in Respondent's office at DCDHS with the door open. During the interview, Respondent spoke in a loud voice to the client for 5 to 10 minutes telling the client that Respondent was displeased with the client's behaviors. Another staff person intervened and Respondent lowered his voice, but after a brief time began speaking loudly to the client again. Respondent contends that he felt this was the only way to make the client understand the seriousness of the situation.

12. On a number of occasions in 1998 because of situations in Respondent's personal life, Respondent slammed down his telephone receiver after calls while at the DCDHS's office and slammed the door to his individual office and the main office door, which caused disruption at the office.

13. On June 4, 1998, DCDHS suspended Respondent without pay for 5 working days, for failure to carry out instructions in the performance of his social work duties and for discourteous and unprofessional behavior in his treatment of office colleagues. DCDHS also placed restrictions on Respondent's social work practice. However, the restrictions were never applied when Respondent returned to work following a leave. The restrictions included:

- o Not allowing him to meet with clients outside the office for any reason.
- o Not allowing him to meet with teen age clients unless another social worker was present.
- o Requiring him to treat all clients and colleagues with respect and write an apology to the 15 year old client for the conduct referenced in Finding of Fact 11, above.

14. Respondent contends that on November 9, 1998, prior to the commencement of a DCDHS team meeting with a client family, one of the family members was confrontational with Respondent, which caused Respondent's stress level to rise. When the team meeting with the family began, Respondent spoke with a loud voice. During the meeting, Respondent used the word "asshole" on more than one occasion. Respondent contends that his language and behavior were appropriate given the situation and the clients.

15. On February 17, 1999, DCDHS suspended Respondent without pay for 5 working days based upon his work record and the behavior set out in Finding of Fact 14.

16. On April 1, 1999, DCDHS placed Respondent on administrative leave for two weeks during which time Respondent was to have a psychiatric or other mental health assessment. The requirement of the evaluation was the result of Respondent's work history and an incident in Respondent's personal life, of which his employer became aware.

17. Respondent failed to attend a mental health evaluation scheduled for May 4, 1999 with a mental health

provider chosen by his employer and on May 11, 1999, DCDHS terminated Respondent's employment for his failure to attend that evaluation. Respondent contends that he thought an evaluation he had provided to DCDHS by his treating therapist, David Schumacher, CICSW, was sufficient and for that reason he did not attend the evaluation

18. David Schumacher, CICSW, at Prairie Counseling Services of Sun Prairie, Wisconsin, Respondent's treating therapist has reported to the Division of Enforcement that:

- a. Respondent and Respondent's wife began seeing him for marriage counseling in January 1999, but it became obvious after a few sessions that it would not be successful.
- b. Following the incident in Respondent's personal life, referred to in Finding of Fact 16, Respondent voluntarily began seeing him for the effects of the divorce proceeding and for anger management. Respondent continued to see him for periodic sessions and telephone contacts and at this time will see him only on an as needed basis.
- c. His initial diagnosis of Respondent was dysthymia and intermittent explosive disorder.
- d. In his opinion, the intermittent explosive disorder is improved at this time, Respondent does not suffer from any condition that prevents Respondent from practicing social work with reasonable safety to clients and public and that Respondent can benefit from continued periodic sessions with a therapist to address anger management.

CONCLUSIONS OF LAW

1. The Social Worker Section has jurisdiction over this matter pursuant to § 457.26, Stats.
2. The Social Worker Section has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
3. Respondent, by engaging in the conduct described above, has engaged in repeated negligence in the practice of social work, which is unprofessional conduct as defined in Wis. Adm. Code § SFC 20.02(22), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Michael Thomas Fisher of his social worker certificate, which was granted to him under the grand-parenting provisions of 1991 Act 160, §21(2)(a)2 is hereby accepted, effective immediately.
2. That if Respondent ever applies for a social worker certificate or for a social worker training certificate, Respondent shall meet the criteria then required by law for that certification. In addition:
 - a. Respondent shall, at Respondent's own expense, have undergone a mental health assessment which shall provide proof sufficient to the Section that he does not suffer from any psychological or psychiatric condition which impairs his ability to practice under that credential.
 - b. The practitioner performing the assessment shall not be a therapist who is treating, or has treated, Respondent. The practitioner must have been approved by the Section, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessment being performed.
 - c. If the Section determines to issue the certification, the Section may limit Respondent's certificate in a manner to address any recommendations resulting from the assessment, including, but not limited to:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.
 - ii. Chemical dependency treatment and monitoring, with periodic reports to the Section by the treaters.
 - iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the supervisor.
 - iv. Requiring Respondent to appear before the Section on an annual basis, to review the progress of any treatment and rehabilitation.
3. Any requests for approval of a practitioner to perform the assessment and any evidence required by paragraph 2 of this order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax (608) 266-2264

4. Respondent shall bear all costs incurred as a result of satisfying this Order.

5. If Respondent believes that the Section's refusal to issue him certification is inappropriate or that any limitation imposed or maintained by the Section under paragraph 2 is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which

the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The denial or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 9th day of August, 2000.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section