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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:

WILFRED A. PERERA,
RESPONDENT

FINAL DECISION AND ORDER
LS0008041SOC

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

Wilfred A. Perera
2665 Favor Road Apt. PI
Marietta, GA 30060

Social Worker Section
Examining Board of Social Workers,
Marriage and 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 Social Worker 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. Wilfred A. Perera, Respondent, date of birth October 11, 1936, was certified as an independent clinical social worker in the State of Wisconsin by the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, pursuant to certificate number 1358, which was first granted on October 13, 1993.
2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Act 160, §21(2)(d).

Respondent received a master of social work degree (MSW) from Adelphi University, Garden City, New York in 1986.

3. 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.

4. Respondent's last address reported to the Department of Regulation and Licensing is 2333 North Oakland Avenue, Number 205, Milwaukee, Wisconsin 53211. In his answer to the disciplinary complaint in this matter, Respondent's address is noted to be 2665 Favor Road Apt. PI, Marietta, GA 30060.

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5. On February 24, 1995, Ms. A, who was then 34 years of age, referred herself to Integrated Mental Health Service (IMHS) in Marinette, Wisconsin. An evaluation was performed by a psychiatrist at that clinic who provided the diagnosis of Major Depression, single episode and Panic Disorder, without agoraphobia.

6. The treatment plan for Ms. A, which was provided on that date by the psychiatrist, included individual psychotherapy with the Respondent, who was employed at IMHS.

7. Respondent provided Ms. A with individual psychotherapy from February 24, 1995 through April 15, 1996. During that period, Respondent provided Ms. A with psychotherapy sessions on 29 occasions in 1995 and on 10 occasions in 1996. From the beginning of the therapy, one of the issues discussed was Ms. A's relationship with her then spouse.

8. On March 22, 1995, Ms. A's depressive symptoms increased such that she received an inpatient hospitalization, with discharge on March 31, 1995.

9. Beginning May 9, 1995 through July 1995, Respondent provided couples counseling to Ms. A and her spouse. In July of 1995, following that counseling, Ms. A and her spouse separated. Ms. A and her spouse were divorced in May of 1996.

10. In November 1995, based on Ms. A's improved condition, the psychiatrist discontinued Ms. A's anti-depressants.

11. As noted in Ms. A's treatment records, on February 1, 1996, Ms. A called Respondent in the afternoon to discuss her emotional state. Respondent spoke with Ms. A briefly and agreed to call her that evening because he had scheduled appointments that afternoon. Respondent called Ms. A that evening and spoke with her for 24 minutes.

12. As noted in Ms. A's treatment record, on February 3, 1996, Respondent called Ms. A in the evening after receiving a call from a friend of Ms. A expressing concern about Ms. A's possible suicidal state. After speaking with Ms. A, Respondent called Ms. A's psychiatrist for consultation and then called Ms. A again and suggested that she go to the hospital emergency room for a psychiatric evaluation. Ms. A declined to do so.

13. Respondent referred Ms. A back to the psychiatrist because Respondent felt that Ms. A had decompensated. The psychiatrist saw Ms. A on February 19, 1996, and placed Ms. A back on anti-depressants. Ms. A agreed to contact his office or the emergency room if she felt suicidal.

14. On March 20, 1996, Ms. A called the psychiatrist because of increased panic attacks.

15. On March 24, 1996, Ms. A was out walking around 1:00 a.m. and wanted to talk with Respondent. Ms. A called Respondent and he offered to pick her up so they could talk. He did pick her up and took her back to his apartment, where they had tea and talked. Ms. A slept on Respondent's couch that night. In the morning, Respondent drove Ms. A home.

16. Respondent's note of March 24, 1996 in Ms. A's treatment record indicates that Ms. A called Respondent at his home, at 1:00 a.m., from a gas station. The note says that Respondent talked to Ms. A and she agreed to meet him at Bay Area Medical Center (BAMC). The note does not indicate where they actually met, but indicates that they talked and that she was "given a ride to her home." The note does not disclose that Respondent took Ms. A to his apartment and allowed her to spend the night there.

17. Ms. A had sessions with Respondent on March 14, March 21, and March 27, 1996. In addition, the treatment record maintained by Respondent notes the following contacts in March and April, 1996:

a. March 24: the 1:00 a.m. call and early morning meeting referred to above.

b. March 28: call from Ms. A's sister in which Respondent requested that the sister make her inquiry directly of Ms. A and asked the sister not to "add to the client's already stressful emotional situation."

c. March 28: 10:30 p.m. call from Ms. A in which Respondent states that Ms. A clearly "is overwhelmed" and that she will not consider psychiatric evaluation for voluntary hospitalization.

d. April 7: call from Ms. A from Green Bay in which she stated: "I drove here and I don't know where I will end up."

18. From March 25, 1996 to April 15, 1996, Ms. A spoke with Respondent on the phone for hours at a time and visited him at his apartment on several occasions. There were at least 15 such conversations and meetings. Other than notes of telephone conversations on March 28 and April 7, there are no notes in the treatment record regarding these contacts.

19. On April 13, 1996, Ms. A went to Respondent's apartment where they talked for a long time and then went for a walk and talked some more. The issue they discussed was Ms. A's concerns regarding sexuality. Respondent did not note this contact in the treatment record.

20. On April 15, 1996, Ms. A visited Respondent at his apartment to talk about the issue she had raised on April 13. While Ms. A was lying on the floor on her stomach, Respondent came over to her and began rubbing her arm. Respondent then rolled Ms. A over and began French kissing her in an aggressive manner. Ms. A told him she had to go home and she left.

21. On April 18 or 19, 1996, Ms. A went to Respondent's apartment. During that visit:

a. Ms. A told Respondent that "his timing sucked." She indicated that she was in the middle of a divorce, was being harassed by her spouse and was mixed up and confused regarding relationships.

b. Respondent agreed that the timing was bad, but said that it was important for him to be honest about his feelings for Ms. A.

c. Ms. A told him that she still needed him as a counselor.

d. Respondent said that because of the April 15 incident, she could not continue to see him at the office, but that he could continue to counsel her on the telephone and at his apartment.

22. On April 22, 1996, Ms. A had an appointment with the psychiatrist at IMHS. At that time, she reviewed her treatment record and found that sometime after April 15, 1996, Respondent had placed a note dated April 15, 1996 in Ms. A's treatment record. The note does not indicate how or where the contact with Ms. A was made, but says:

"The client contacted me this evening to say that she was pleased with the manner [Ms. A's daughter] was responding to therapy. She stated "[Daughter] likes you and said she would like to talk to you alone, the next time, and she sounded confident about this." [Ms. A] also stated that she would like to terminate therapy at this time, "as I have now to deal with the hundred and one things that confront me. I must learn to be assertive when people are whimpy around me without just giving in." She felt that the direction given in therapy was useful in dealing with matters she had to resolve. She was wished well for the future. This case is terminated as of this date."

23. From April 19, 1996 to May 17, 1996, at Respondent's invitation, Ms. A visited Respondent's apartment on an almost daily basis. Ms. A and Respondent continued to discuss her issues during those visits and in regular telephone contacts. Respondent gave Ms. A a key to Respondent's apartment.

24. During that period of time, Respondent began pushing Ms. A to have a sexual relationship with him. In attempting to change their relationship into a sexual one, Respondent used information about Ms. A which he had learned while providing her with psychotherapy. Some of the visits to the apartment included overnight stays by Ms. A with Respondent. They began kissing again during this period, but there was no sexual intercourse because Ms. A requested that it not occur. Respondent told Ms. A that he loved her and that he would not hurt her. Ms. A was afraid that Respondent would stop counseling her.

25. On May 18, 1996, Ms. A visited Respondent at his apartment. That night when they went to bed together, Respondent was much more insistent that they have sexual intercourse. Ms. A continued to resist. She was not ready to take that step and just needed to talk with Respondent; that was why she went to his apartment. Eventually Ms. A gave in and they had sexual intercourse.

26. Following May 18, 1996, Respondent and Ms. A had sexual contact, including intercourse on several occasions through the end of 1996.

27. During the period after May 18, 1996, Respondent and Ms. A also engaged in social activities, such as shopping trips, together. Some of the activities included Ms. A's children.

28. In October, November and December of 1996, Respondent and Ms. A each questioned whether the relationship should continue. In January and February 1997, they continued to send e-mail messages to one another, but there was no further physical contact.

29. Ms. A commenced psychotherapy with a new therapist and told that therapist about the personal/sexual relationship between Respondent and Ms. A. The therapist told Ms. A that Ms. A should tell the psychiatrist at IMHS about that relationship. On May 28, 1997, Ms. A met with and told the psychiatrist at IMHS about her relationship with Respondent.

30. Within the next two days, the psychiatrist told Respondent about Ms. A's allegations. Respondent denied having a sexual relationship with Ms. A, but admitted having a friendship with her that included having a Christmas celebration with her and her children. Respondent offered to resign his position at IMHS and the psychiatrist accepted the resignation. June 17, 1997 was the last day Respondent saw patients at IMHS.

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31. On January 17, 1996, Ms. B, who was then 39 years of age, referred herself to IMHS. An evaluation was performed by a psychiatrist at that clinic who provided the diagnosis of Major Depression, single episode.

32. The treatment plan for Ms. B, which was provided on that date by the psychiatrist, included individual psychotherapy with the Respondent, who was employed at IMHS. The plan also provided for possible marital counseling with Respondent in the future.

33. Respondent provided Ms. B with individual psychotherapy from January 16, 1996 through June 5, 1997. During that period, Respondent provided Ms. B with psychotherapy sessions on 21 occasions in 1996 and on 15 occasions in 1997.

34. Respondent provided Ms. B and her spouse with couples counseling on 10 occasions from February 6, 1996 through September 19, 1996.

35. The last treatment note made by Respondent in Ms. B's record is dated June 5, 1997. That note indicates that Ms. B had told her spouse that she wanted to move out of the house for a while.

36. The note of June 5, 1997 also states that Respondent told Ms. B that he was retiring and arrangements would have to be made for continuing psychotherapy with another therapist at IMHS or elsewhere. Respondent never provided Ms. B with the name of another therapist and never referred Ms. B to another therapist.

37. Respondent left IMHS and moved to Milwaukee, Wisconsin. Prior to moving from Marinette, Respondent gave Ms. B a phone number where Ms. B could reach Respondent in Milwaukee.

38. Ms. B subsequently called Respondent in Milwaukee and they agreed to meet. They met in late June or early July of 1997, had breakfast in Milwaukee and went to Summerfest there.

39. Ms. B and Respondent arranged another meeting in Milwaukee in July of 1997. Ms. B met Respondent at his niece's home and they walked from there to a restaurant for dinner. Then they went for a walk on the beach and stopped at an outdoor coffee house.

40. During the first week of August 1997, Ms. B and Respondent met again at Respondent's niece's home in Milwaukee and went to dinner at a different restaurant. Respondent invited Ms. B to see his apartment and she accepted. At his apartment, they viewed internet web sites on his computer. Ms. B sat on the couch and Respondent sat next to her, put his arm around her and kissed her on the mouth. At that point, Ms. B decided it was time to leave and did so.

41. Ms. B says that at that time, Respondent was in her every thought of every day and that it was causing her emotional problems.

42. Ms. B and Respondent met in Milwaukee around Labor Day of 1997. They went out to a pasta place, went to a bar/cafe, walked along the water front and went to an outdoor coffee house. Then they returned to Respondent's apartment and engaged in kissing, necking and fondling.

43. During the time they were at Respondent's apartment, around Labor Day, Respondent told Ms. B that he wanted to make love to her. Ms. B told him that she didn't want to do that until she decided what she was going to do about her relationship with her spouse. Respondent told her that once she made up her mind about her marriage, they could start making plans for their lives together. Ms. B left so that there would not be sexual intercourse.

44. After that time, the only further contact between Respondent and Ms. B was through e-mails over the internet. The e-mails stopped when Ms. B told Respondent that she had told her husband about her involvement

with Respondent.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has jurisdiction over this matter pursuant to §457.26(2), Stats.
2. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has authority to enter into this stipulated resolution pursuant to §227.44(5), Stats.
3. Respondent's conduct with Ms. A, as set out in findings of fact 5 through 30, constitutes a failure to avoid a dual relationship or a relationship that may impair Respondent's objectivity or create a conflict of interest and subjects Respondent to discipline pursuant to §457.26(2)h Stats., and Wis. Adm. Code §SFC 20.02(13).
4. Respondent's conduct with Ms. A, as set out in findings of fact 5 through 30, constitutes gross negligence in the practice of social work and subjects Respondent to discipline pursuant to §457.26(2)h, Stats., and Wis. Adm. Code §SFC 20.02(22).
5. Respondent's conduct with Ms. A, as set out in findings of fact 5 through 30, constitutes engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive and subjects Respondent to discipline pursuant to §457.26(2)h, Stats. and Wis. Adm. Code §SFC 20.02(11).
6. Respondent's conduct with Ms. A, as set out in findings of fact 20, 24 and 25, constitutes engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive, within 2 years after termination of professional services and subjects Respondent to discipline pursuant to §457.26(2)h, Stats. and Wis. Adm. Code §SFC 20.02(11).
7. Respondent's conduct with Ms. B, as set out in findings of fact 31 through 44, constitutes gross negligence in the practice of social work and subjects Respondent to discipline pursuant to §457.26(2)h, Stats., and Wis. Adm. Code §SFC 20.02(22).
8. Respondent's conduct with Ms. B, as set out in findings of fact 40 and 42, constitutes engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive, within 2 years after termination of professional services, and subjects Respondent to discipline pursuant to §457.26(2)h, Stats. and Wis. Adm. Code §SFC 20.02(11).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Wilfred A. Perera of his right to renew his certificate to practice as an independent clinical social worker in the State of Wisconsin is hereby accepted, effective immediately.
2. That for two years from the date of this Order, Respondent shall not apply for any certification from the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.
3. That following two years from the date of this order, Respondent may petition the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors for certification to practice as an independent clinical social worker in the state of Wisconsin or any other certification issued by the Section, under the following terms and conditions:
 - a. Respondent shall satisfy all requirements for that credential which are then required by statute and administrative rule, prior to being credentialed.
 - b. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care provider experienced in assessing health care providers who have violated professional-client boundaries, who has not treated Respondent.
 - c. The practitioner performing the assessment must have been approved by the Section, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.
 - d. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of patients and public.
 - e. If the Section determines to issue certification to Respondent, Respondent's certificate shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the

findings of fact and 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. Additional professional education in any identified areas of deficiency.
- 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.

f. Respondent shall appear before the Section on an annual basis, if requested by the Section, to review the progress of any treatment and rehabilitation.

4. Any request for approval of an evaluator, therapist, supervisor or educational program required by 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

5. If Respondent believes that the Section's denial of certification is inappropriate or that any limitation imposed or maintained by the Section under paragraph 3 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 of certification or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. If Respondent becomes certified, violation of any term or condition of this Order, or of any limitation imposed under paragraph 3 above, may constitute grounds for revocation of Respondent's certificate. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph above, the Section may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

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

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 11th day of January, 2001.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section