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WISCONSIN
CERTIFICATION BOARD

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March 24, 2004

To: Board of Directors
Wisconsin Certification Board, Inc.

The Appeal of Dawn Shaw Before
the Wisconsin Certification Board Hearing Committee

Pursuant to the Disciplinary Rules of the *Counselor Code of Conduct* (Rev. 1996) of the Wisconsin Certification Board (WCB), Section VI, the above matter came before the Hearing Committee and the Committee does hereby make and publish its:

FINDINGS OF FACT

- The Appellant, Dawn Shaw, was originally certified as a counselor on August 22, 1980.
- The Appellant was originally certified as a clinical supervisor on January 5, 2001. Both certifications are valid and paid to August 22, 2004.
- Ann Schalk now known as Ann Schalk Ullman, the complainant, was a client of REACH Counseling Services from March 6, 2002 through her discharge on May 20, 2002. Ms. Shalk attended REACH's Accept program.
- The Appellant offered to assist Ms. Schalk Ullman in making her decision to remain or leave the Accept program. Ms. Schalk Ullman had been given the grievance procedures, but did not use them. The Appellant did not follow up with Ms. Schalk Ullman and stated that it is not her practice to follow up.
- The Appellant's assignment of a Generalized Anxiety Disorder (GAD) diagnosis secondary to alcoholism in the family to the complainant, Ann Schalk Ullman, was not supported by the assessment and progress notes in the complainant's patient record at REACH Counseling Services nor by the Appellant's testimony. The Appellant admitted that her record keeping was "sloppy".
- A "vast majority" of the Appellant's work was with family members under the GAD diagnosis. Many of the Appellants's clients were given the GAD diagnosis secondary to alcoholism in the family. "Alcoholism in the Family" is not a diagnosis found in the Diagnostic and Statistical Manual IV (DSM IV) for mental disorders.

- The Appellant is not a qualified Mental Health Professional as defined in Appendix B of Wisconsin Administrative Code HFS 75. HFS 75 does not allow non qualified mental health professionals to perform mental health treatment services for persons with a "mental disorder" such as GAD found in the DSM IV.

- Charles Wilbur is certified in Michigan as a CAC I and worked with the Appellant in REACH's Accept Program. Mr. Wilbur is not a Wisconsin certified substance use disorder counselor nor did he have a counselor certification development plan on file in the state of Wisconsin. Wilbur provided counseling and client education to the Accept program clients. Charles Wilbur introduced himself in the Accept program groups as a counselor certified in Michigan. Wilbur's duties at Accept included co-therapy in group settings, showing videos, sharing personal experiences regarding his own adult child recovery, opening the program in the morning when the Appellant was absent with meditation readings and discussion, and being in charge when the Appellant left for the evening and until she returned in the morning.

CONCLUSIONS

The Hearing Committee of the Wisconsin Certification Board concludes the following:

The Appellant did not breach Rule 2.7 in the Professional Standards area of the *Counselor Code of Conduct* (rev. 1996). The Accept weekend program is a closed end activity. The Appellant did offer closure to the client. Although it would be a better practice to follow up with clients, especially distressed ones, the Appellant's actions do not meet the weight of client abandonment. Insufficient evidence exists to determine that the Appellant abandoned the complainant.

The Appellant did breach the following Rules in the following areas of the Wisconsin Certification Board's *Counselor Code of Conduct* (Rev. 1996):

PROFESSIONAL STANDARDS

Rule 2.2 A counselor shall not engage in conduct which does not meet the generally accepted standards of practice.

Failure of clarification from the State of Wisconsin on whether the Appellant could continue to use and treat the diagnoses referred to in the Dan Crossman memo does not excuse the Appellant from performing a thorough assessment and developing an appropriate diagnostic impression. The Appellant used the Generalized Anxiety Disorder diagnosis extensively and indiscriminately.

ASSISTING UNLICENSED PRACTICE

Rule 9.1 A counselor shall not refer a client/patient to a person that the counselor knows or should know is not qualified by training, experience, certification, or license to perform the delegated professional responsibility.

Although Charles Wilbur may not have seen himself in the role of a counselor, he performed counselor functions. Therefore, it is not unreasonable for the clients or any reasonable person to view Mr. Wilbur as a counselor.

DECISION

The Appellant receives a Public Reprimand. In addition, the Appellant is to obtain twelve (12) hours of education and training in assessing mental health diagnoses and eighteen (18) hours of education and training in clinical supervision covering all required task areas. This thirty (30) hours of education must be completed by May 1, 2005. Proof of completion must be sent to the WCB office.

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Jeff Pearcy, MPA, Executive Director

June 25, 2003

Re: Complaint #: 2003-04
Complainant: Ann Schalk
Respondent: Dawn Shaw, CADC III, CCS-G

To: Board of Directors
Wisconsin Certification Board, Inc.

The Executive Committee having received the results of the investigation into the alleged misconduct of Dawn Shaw, CADC III, CCS-G and in conformity with its rules now makes the following:

FINDINGS OF FACT

Dawn Shaw was originally certified as a counselor on August 22, 1980. She was originally certified as a Clinical Supervisor on January 5, 2001. Both certifications are valid through August 22, 2003.

Ann Schalk was a client of REACH counseling from March 6, 2002 through her discharge on May 20, 2002.

Diagnosis: Schalk was admitted under a diagnosis of General Anxiety Disorder secondary to alcoholism in the family.

Felipe Ambas, MD, the staff Psychiatrist, made this diagnosis based on the diagnostic impression formed by Dawn Shaw.

The progress notes and client record do not contain any notes that would support a diagnostic impression of General Anxiety Disorder.

Schalk's insurance company was billed for the treatment and reimbursed the clinic based on this diagnosis.

The diagnosis was not discussed with Schalk. No mental health therapists were involved in the weekend treatment, but the case was discussed in a staffing after the weekend was completed.

A Licenced Professional Counselor and a Licensed Psychologist who are personally familiar with the client are on record disputing a diagnostic impression of GAD.

Non-certified Staff: Charles Wilbur is certified in Michigan as a CAC I. He was originally certified in December 1999 and his certification is valid through December 2003. CAC I is a non-reciprocity level of certification.

Wilbur was left in charge of the program when Shaw was not there during the weekend.

Wilbur began the program on the day that Schalk was discharged.

Charles Wilbur states he was introduced to groups as a counselor certified in Michigan. Wilbur indicates that his duties at Reach included co-therapy in groups, showing videos, sharing personal experiences regarding his own adult child recovery, opening the program in the morning when Ms. Shaw was absent with mediation readings and discussion, and being in charge when Ms. Shaw left for the evening and until she returned in the morning. Wilbur

indicated that he would normally get the group started and Shaw would join when she got in. Wilbur stated he did not see his role as that of a counselor.

Client Abandonment: Schalk stated that at the noon closing on Sunday she was given a choice to stay or go and was told to talk it over with the group over the lunch. Instead Schalk stated that she went back to her room, packed and left. She indicated that Dawn did not talk to her after group, did not try to contact her by telephone, and did not follow up a with a letter or offer of referral.

Shaw indicated that the treatment record is in error in that she did not help Schalk leave the program. She stated that she did not follow up with a call or letter, but that she never does that. Shaw stated that if a client wanted to get in touch it was their responsibility, not hers.

CONCLUSION

The Executive Committee of the Wisconsin Certification Board concludes that respondent has violated the following areas of the Wisconsin Certification Board's Code of Conduct.

> **Rule 2.2 Professional Standards** A counselor shall not engage in conduct which does not meet the generally accepted standards of practice.

The client record does not support a diagnostic impression of GAD. The diagnostic impression was generated from client interviews conducted by Ms. Shaw. The physician then verifies the diagnosis. It appears that this may be a result of a clinic practice that routinely identifies this diagnostic impression that is then verified by the Physician without ever seeing the client. The diagnosis of GAD is probably a result of the old Dan Crossman memo that allowed certified counselors to see family members with a diagnosis of PTSD or GAD. This would then allow clinics to be reimbursed for their services. It does not appear that this is an accurate diagnosis in this case, but was used to qualify for insurance reimbursement. At the time of the Crossman memo AODA counselors were instructed to treat family members under this diagnostic criteria. The Crossman memo was part of a memo series associated with HFS 61. HFS 75 was enacted in August 2001. HFS 75 makes the Crossman memo moot. There has been no memo under HFS 75 related to the treatment of family members. HFS 75 is explicit that only mental health professionals should do treatment of mental health disorders.

AODA counselors are allowed to work with family members in relationship with the treatment of the addicted person. If a mental health diagnosis is made of the family member, then only those AODA counselors who are also mental health counselors may provide the services. Otherwise, they should be referred to an appropriate mental health therapist.

> **Rule 9.1 Assisting Unlicensed Practice** A counselor shall not refer a client/patient to a person that the counselor knows or should know is not qualified by training, experience, certification or license to perform the delegated professional responsibility.

Wilbur was an assistant to Ms. Shaw. He was in charge when she was not there. He was introduced to the group as a certified counselor from Michigan. He did co-therapy in group and got the groups going in the morning when Shaw was not present. Any reasonable person attending the sessions would identify him as a counselor.

Rule 2.7 Professional Standards A counselor shall not discontinue professional services to a client/patient nor shall the counselor abandon the client/patient without facilitating and appropriate therapeutic closure of professional services for the client/patient.

Shaw admits that no follow up was done in this case and that the treatment record erroneously indicates that Shaw assisted Schalk in leaving treatment. Schalk clearly was distressed and emotionally upset when she left group and later treatment. Not following up with this client is client abandonment. Ms. Shaw indicates that she never follows up with a client, that it is the client's responsibility to contact her.

DECISION

Dawn Shaw is publicly reprimanded for violating the following sections of the Counselor Code of Conduct:

Rule 2.2 Professional Standards A counselor shall not engage in conduct which does not meet the generally accepted standards of practice.

Rule 9.1 Assisting Unlicensed Practice A counselor shall not refer a client/patient to a person that the counselor knows or should know is not qualified by training, experience, certification or license to perform the delegated professional responsibility.

Rule 2.7 Professional Standards A counselor shall not discontinue professional services to a client/patient nor shall the counselor abandon the client/patient without facilitating and appropriate therapeutic closure of professional services for the client/patient.

Dawn Shaw is further required to obtain all thirty hours of education and training for certification as a Clinical Supervisor covering all required task areas. This education is to be completed by Shaw's next recertification period ending August 22, 2004/

Dawn Shaw's failure to comply with any of the conditions in this Decision will cause this complaint action to be reopened pursuant to Section IV, Investigation Process, found in either the WCB *Counselor Code of Conduct* or the WCB *Code of Conduct for Clinical Supervisors* (1993).

Please be advised of your rights to appeal, hearing, and reinstatement as outlined within Sections VI and VII of the Counselor and Clinical Supervisor *Codes of Conduct.*

For the Executive Committee,

Jeff Pearcy
Executive Director

Cc file