

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JOHN T. FEENEY, L.C.S.W., : LS0701311SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 076]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

John T. Feeney, L.C.S.W.
1518 Nevada Road
Madison, WI 53704

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling, and Social Work Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. John T. Feeney, L.C.S.W., Respondent, date of birth January 9, 1947, is licensed by the Social Worker Section as a clinical social worker in the State of Wisconsin pursuant to certificate number 2595, which was first granted May 12, 1994. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as an independent clinical social worker.)

2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Act 160, § 21(2)(d) and, for this reason, did not take the examination otherwise required for certification.

3. Respondent's last address reported to the Department of Regulation and Licensing is 1518 Nevada Road, Madison, WI 53704.

4. Respondent practices as a licensed clinical social worker in the Wisconsin Department of Health and Family Services Forensic Program at Mendota Mental Health Institute (MMHI) in Madison, Wisconsin. In that role, Respondent provided professional services to Mr. A during 1995 and until his discharge from MMHI in January 1996. Mr. A was discharged to a Department of Corrections institution as an inmate.

5. Beginning in 1999, Mr. A began writing to Respondent and Respondent replied to him. From January 28, 2003 through September 14, 2005, Respondent sent six letters to Mr. A at Dodge Correctional Institution.

6. Mr. A remained a patient under MMHI's Patient/Staff relationship policy which defines "patient" to include anyone who had been treated at MMHI and who was under supervision of the Department of Health and Family Services or

the Department of Corrections. That policy prohibits employees from having written personal contacts with patients. If an employee wants an exception to the policy, it must be submitted in writing and must be approved by the director of MMHI. Respondent never made a written request for an exception to the policy and his letters to Mr. A were in violation of the policy.

7. In his letters to Mr. A, Respondent:
 - a. made note of personal information about Respondent and his family.
 - b. included information about other MMHI patients, some of whom Mr. A knew. Respondent used first names and the first initial of last names of some MMHI patients, which allowed Mr. A to identify them. The information included divulging current patient information and circumstances, along with Respondent's perspective and comments on the patients.

8. On November 22, 2005, Respondent received a 3-day disciplinary suspension of his employment without pay for violating patient confidentiality. Respondent served his suspension on December 7, 8 and 9, 2005.

9. On August 16, 2006, Respondent took and completed "Personality Disorders – Establishing and Maintaining Boundaries with this Population," a continuing education program providing 3 hours of credit which was sponsored by Mendota Mental Health Institute.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the above conduct, has committed unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(10), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. John T. Feeney, L.C.S.W., Respondent, is REPRIMANDED for the above conduct.

2. Respondent's license is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to the Section, or its designee, of Respondent's satisfactory completion of a total of 6 hours of continuing education on the subjects of boundaries, ethics and client confidentiality, which course(s) shall first be approved by the Section, or its designee.

b. The completed course "Personality Disorders – Establishing and Maintaining Boundaries with this Population," set out in Finding of Fact 9, is hereby approved and credited for 3 of the required 6 hours.

c. "Ethics, Boundaries and Practice: Current Issues," a six credit continuing education program sponsored by the University of Wisconsin Department of Professional Development & Applied Studies, being offered on March 19 2007 in Madison, Wisconsin is approved as a course to satisfy the other 3 required hours.

d. Upon Respondent providing proof sufficient to the Section, or its designee, that he has completed the education, the Section shall issue an Order removing this limitation of Respondent's license.

e. Respondent is prohibited from applying any of the 6 hours completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the July 1, 2005 through June 30, 2007 registration biennium.

3. All payments, requests and evidence of completion of the education 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
Telephone: (608) 267-3817

4. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$350.00, pursuant to Wis. Stat. § 440.22(2).

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date it is signed.

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board

By: Mary Jo Walsh
A Member of the Section

1/31/07
Date

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : STIPULATION
JOHN T. FEENEY, L.C.S.W., : LS _____ SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 076]

It is hereby stipulated and agreed, by and between John T. Feeney, L.C.S.W., Respondent; and John R. Zwiag attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 05 SOC 076). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as a case advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

John T. Feeney, L.C.S.W.
Respondent
1518 Nevada Road
Madison, WI 53704

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date