

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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1997

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 :

HEROLD JOHN HEROD,
RESPONDENT. :

96 SOC 053

LS970326150c

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Herold John Herod
PO Box 18753
Milwaukee, WI 53218

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

Department of Regulation and Licensing
Division of Enforcement
P.O. 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 of this matter, subject to the approval of the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors. 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. Herold John Herod, Respondent, date of birth October 12, 1932, is certified by the Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors as an independent clinical social worker in the state of Wisconsin, pursuant to license number 1548, which was first granted October 27, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 6813 Hampton Avenue, PO Box 18753, Milwaukee, WI 53218.
3. On August 29, 1996, Respondent was charged in Milwaukee County Wisconsin Circuit Court case number 2-610860 with one count of violating § 940.225(3m), Stats., (Fourth Degree Sexual Assault), a class A misdemeanor, for having intentional sexual contact with a client during a psychotherapy session on June 4, 1996.
4. On November 22, 1996, upon his plea of no contest, Respondent was convicted in Milwaukee County Wisconsin Circuit Court case number 2-610860 of one count of violating § 940.225(3m), Stats. (Fourth Degree Sexual Assault).
5. §940.225(3m), Stats., is a crime substantially related to the practice of social work.

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 of this matter pursuant to § 227.44(5), Stats.
3. By having been convicted of a crime which relates to practice under his certificate Respondent is subject to discipline pursuant to § 457.26(2)(b), Stats., and Wis. Admin. Code § SFC 20.02(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

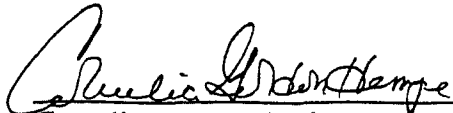
1. That the certificate of Herold John Herod as an independent clinical social worker in the state of Wisconsin is hereby SUSPENDED for a period of at least two years, effective immediately.

2. That during the period Respondent's certificate is suspended, Respondent shall not be employed in any mental health care setting and shall not provide any form of mental health services to patients or clients in the state of Wisconsin.
3. That Respondent may petition the Section for the termination of the suspension, after two years, under the following terms and conditions:
 - a. Respondent shall have undergone an assessment using the general model and approach set out in Chapter 32, "Assessment and Development of Rehabilitation Plans for the Therapist", of Psychotherapists' Sexual Involvement with Clients, Schoener, Milgrom, Gonsiorek, Luepker and Conroe, published by the Walk-In Counseling Center, Minneapolis, Minnesota.
 - b. 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.
 - c. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of clients and public.
 - d. If the Section determines to end the suspension, Respondent's certificate shall be limited 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. 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.
 - e. 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. If Respondent believes that the Section's refusal to end the suspension 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 sec. 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 suspension or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. 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 as an independent clinical social worker in Wisconsin. 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 3 above, the Section may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

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

Dated at Madison, Wisconsin this 26th day of March, 1997.


Cornelia Hempe, Chairperson
Social Worker Section

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