

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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 :

DEBORAH ANN WILHELMS, SW :
RESPONDENT. :

97 SOC 031

LS9802124S0C

FINAL DECISION AND ORDER

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

Deborah A. Wilhelms, SW
7635 West Wabash Court, #15
Milwaukee, WI 53223-2537

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. Deborah A. Wilhelms, SW, Respondent, date of birth July 25, 1957, is certified by the Social Worker Section as a social worker in the state of Wisconsin, pursuant to certificate number 4330, which was first granted December 14, 1994.

2. Respondent received a bachelors degree in social work from Marian College, Fond du Lac, Wisconsin, on April 15, 1994, and obtained certification after passing the required examinations.

3. Respondent's last address reported to the Department of Regulation and Licensing is 7635 West Wabash Ct., #15, Milwaukee, WI 53223.

4. From February 19, 1996 through February 13, 1997, Respondent was employed as a social worker by the State of Wisconsin Department of Corrections at the Oshkosh Correctional Institution in Oshkosh, Wisconsin.

5. During that same time, Inmate A, who had been convicted of a serious crime, was incarcerated at the Oshkosh Correctional Institute, where Respondent was employed as a social worker. Inmate A was not on Respondent's caseload.

6. Department of Corrections policy and work rule prohibits employee's fraternization with inmates. The purpose of the policy and rule is to provide security for inmates and staff at the institutions. Respondent was aware of the policy and work rule.

7. Respondent acknowledges that while Inmate A was incarcerated he was lonely and vulnerable and expressed an interest in having a personal relationship with Respondent. Respondent also acknowledges that after Respondent got to know Inmate A, while he was incarcerated, Respondent approached Inmate A about having a personal relationship with Respondent, and they began such a relationship.

8. While Respondent was still employed as a social worker at Oshkosh Correctional Institute, and while Inmate A was incarcerated there, the following occurred:

a. On November 27, 1996, while Inmate A was in the dayroom, and while Respondent was working at her job as a social worker, Respondent handed Inmate A a note which contained Respondent's home telephone number and which instructed him to destroy the note so that it would not be discovered.

b. After that date, Respondent accepted collect telephone calls at her home from Inmate A.

c. Respondent obtained a post office box and used it for correspondence to and from Inmate A. Respondent used the alias "Kay Dee Summers" in the correspondence, in order to deceive the staff at the institution.

d. Using the alias "Kay Dee Summers", Respondent sent Inmate A money and other gifts.

e. On December 28, 1996, Respondent visited Inmate A's family members in Milwaukee, including his sister, the mother of his child and the maternal grandmother of his child.

f. Respondent and Inmate A had what Inmate A described as "sexual contact". The contact was kissing, which took place in Respondent's office at the correctional institute on two or three occasions.

9. On February 7, 1997, Department of Corrections staff questioned Respondent about the nature of her relationship with Inmate A. Respondent provided answers which were untrue.

10. On February 10, 1997, Respondent admitted to Department of Corrections staff that Respondent had engaged in the conduct set out in Finding of Fact 8, above.

11. On 2/13/97 Respondent was terminated from her social work employment at the Department of Corrections because of violations of work rules.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors has jurisdiction over this matter pursuant to § 457.26, Stats.

2. The Social Worker Section of the 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. Respondent's conduct, as set out above, constitutes reporting false information in practice, which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(7) and subjects Respondent to discipline pursuant to § 457.26(2)(f), Stats.

4. Respondent's conduct, as set out above, constitutes failure to avoid a dual relationship, which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(13) and subjects Respondent to discipline pursuant to § 457.26(2)(f), Stats.

5. Respondent's conduct, as set out above, constitutes gross negligence in practice, which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(22) and subjects Respondent to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certificate of Deborah A. Wilhelms, a social worker in the state of Wisconsin is hereby SUSPENDED for a period of at least two years, effective immediately.

2. That Respondent may petition the Section for the termination of the suspension, after two years, under the following terms and conditions:

a. Respondent shall, at her own expense, 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 shall 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. 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.

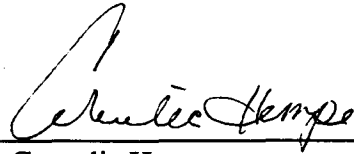
e. Respondent shall appear before the Section on an annual basis, if requested by the Section, to review the progress of any treatment and rehabilitation.

3. 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 2 d 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.

4. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 d, above, may constitute grounds for revocation of Respondent's certificate as a 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 2 d, 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 Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 12th day of February, 1998.

A handwritten signature in cursive script, appearing to read "Cornelia Hempe", is written over a horizontal line.

Cornelia Hempe
Chairperson
Social Worker Section
Examining Board of Social Workers,
Marriage and Family Therapists, and
Professional Counselors

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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

DEBORAH ANN WILHELMS, SW :
RESPONDENT. :

97 SOC 031

STIPULATION

It is hereby stipulated and agreed, by and between Deborah Ann Wilhelms, SW, Respondent; and John R. Zwieg, as 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 by the Department of Regulation and Licensing, Division of Enforcement, on behalf of the Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors (file 97 SOC 031).

2. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of Respondent's right to seek legal representation prior to signing this Stipulation.

4. Respondent does not dispute the allegations in this matter, and 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. Attached to this stipulation are the current wall and wallet registration certificates of Respondent. If the Section accepts the stipulation, Respondent's certification shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Section does not accept this stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Section's decision not to accept the stipulation.

7. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, and an attorney for the Division of Enforcement may appear before the Section for the purposes of speaking in support of this agreement and answering questions that the members of the Section may have in connection with their deliberations on the Stipulation.

8. The parties agree to waive the costs of this proceeding.

Dated this 16th day of January, 1998.

Deborah Ann Wilhelms, SW
Deborah Ann Wilhelms, SW
Respondent

Dated this 15th day of January, 1998.

John R. Zwieg
John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement