

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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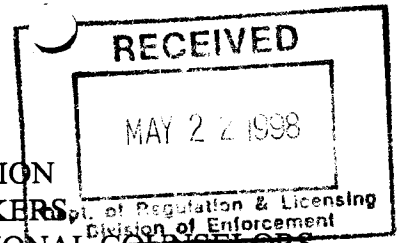
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STATE OF WISCONSIN  
BEFORE THE SOCIAL WORKER SECTION  
EXAMINING BOARD OF SOCIAL WORKERS, Dept. of Regulation & Licensing  
Division of Enforcement  
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS



IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
:  
LYNN A. ST. CLOUD, CICSW, :  
RESPONDENT. :

LS 9805191 SOC

FINAL DECISION AND ORDER

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

Lynn A. St. Cloud, CICSW  
505 Spruce Street  
Madison, WI 53715

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. Lynn A. St. Cloud, CICSW, Respondent, date of birth November 14, 1948, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin, pursuant to certificate number 706, which was first granted August 18, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 505 Spruce Street, Madison, WI 53715.

3. From February 20, 1991 to June 27, 1995, Respondent provided Ms. A with individual psychotherapy at Family Service in Madison, Wisconsin. During those four years, they had approximately 163 sessions.

4. The therapy Respondent provided Ms. A was to deal with the effects of Ms. A's history of having been an incest victim, neglected by her mother, and physically abused by her former husband, among other things. A major emphasis of the therapy was on Ms. A's inability to trust others and her difficulties with relationships. Respondent's diagnosis of Ms. A was Axis I - Post traumatic Stress Disorder and Axis II - Borderline Personality Disorder, which she later changed to Personality Disorder NOS, with borderline characteristics.

5. While Respondent was providing psychotherapy to Ms. A, Respondent learned in July, 1993 that Ms. A had begun a personal/sexually intimate relationship with Ms. B. Respondent later learned that Ms. A and Ms. B were in a monogamous lesbian relationship. In November 1994, Ms. A told Respondent that she was terminating her relationship with Ms. B.

6. In April 1995, while Respondent was still providing psychotherapy to Ms. A, Respondent met a woman through a mutual friend. The woman used a spiritual name "Ms. C" and at that time Respondent did not know that this woman was actually Ms. A's former partner, Ms. B.

7. In late April 1995, Respondent asked "Ms. C" out for coffee. Respondent still did not know that "Ms. C" was Ms. A's ex-partner. However, at this meeting Respondent learned that "Ms. C's" given name was Ms. B and that she was the same Ms. B who had an intimate relationship with Ms. A from July 1993 through November of 1994.

8. When she discovered that Ms. C was actually Ms. B, Respondent told her that Respondent could not talk about the client-therapist relationship between Respondent and Ms. A. Respondent also asked Ms. B not to discuss Ms. A. with Respondent.

9. In May 1995, Respondent consulted with Dr. Berney, a psychologist and supervising psychotherapist in Respondent's agency, about the situation, as it existed at that time, concerning herself, Ms. A and Ms. B. Previously, Dr. Berney had consulted with Respondent about Ms. A's therapy and was familiar with the case. Dr. Berney expressed concern about the relationship between Ms. B and the Respondent and felt it had the potential to be extremely complicated. However, based on the information the psychologist had from Respondent at that time, he told Respondent he did not believe the friendship alone was unprofessional conduct.

10. During May 1995, Ms. B told Respondent that Ms. B was involved in a romantic relationship with someone else and that she was not be interested in dating Respondent at that time.

11. In June of 1995, Respondent resigned from her psychotherapist position at the agency to pursue a career change. The last psychotherapy session between Respondent and Ms. A was on June 27, 1995.

12. At the time Respondent's therapeutic relationship with Ms. A ended, Ms. A's condition had improved, but her issues were not resolved. Ms. A wanted to be referred to a lesbian therapist and Respondent provided such a referral on June 27, 1995.

13. On July 11, 1995, Ms. A called Respondent and told her that Ms. A had seen the therapist Respondent has recommended and Ms. A did not feel comfortable working with that therapist. Respondent told Ms. A she would try to find another lesbian therapist who accepts medical assistance.

14. On July 13, 1995, Respondent called Ms. A and provided her with the names of three therapists. In that conversation, Ms. A told Respondent that she would hold off on seeking therapy for awhile because she did not feel she needed it immediately and she still hoped to find a lesbian therapist who would accept medical assistance.

15. On July 20, 1995, Respondent obtained the name of a lesbian therapist, provided Ms. A with that therapist's name, address and telephone number and sent releases to Ms. A to sign so Respondent could send records to that therapist.

16. Sometime during July 1995, Ms. B told Respondent that things had changed and that Ms. B wanted to start dating Respondent. The dating relationship between Respondent and Ms. B began in July 1995.

17. Ms. A began seeing a new therapist on July 31, 1995.

18. In December 1995, Ms. A discovered that Respondent and Ms. B had begun a personal/intimate relationship in July 1995.

19. Ms. A felt that Respondent, as her former therapist, had violated Ms. A's trust by dating her former lover. An inability to trust others was one of the central issues being worked on in Ms. A's therapy, with Respondent and her subsequent therapist. The discovery of the relationship between Respondent and Ms. B caused Ms. A considerable emotional discomfort and destroyed much of the benefit Ms. A had received from the years of therapy with Respondent.

20. A minimally competent independent clinical social worker would have known, or should have known, that entering into a personal/intimate relationship with the former partner of this client in these circumstances does not comply with the accepted standard of practice that has a significant relationship to the health, safety or welfare of the client.

21. Since July 1, 1995, Respondent has neither been employed in a mental health setting nor provided any form of mental health services to clients. Although Respondent has maintained current registration of her certification as an independent clinical social worker since

the time it was first granted, subsequent to July 1, 1995 Respondent has not practiced under that certificate nor used the title authorized by the certificate. Respondent has executed an affidavit confirming the facts in this paragraph, which she has provided to the Division of Enforcement.

### 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, by engaging in the conduct described in the Findings of Fact, has committed gross negligence in practice which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02 (22) and is subject to discipline pursuant to § 457.26(2)(f), Stats.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certificate of Lynn A. St. Cloud as an independent clinical social worker in the state of Wisconsin is hereby **SUSPENDED** for a period of at least one year. That the suspension shall be deemed to have commenced on November 21, 1997 and the one year period shall expire at the end of the day November 20, 1998.

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 November 20, 1998, under the following terms and conditions:

a. Respondent shall, at her own expense, have undergone an assessment by a mental health care professional with experience in assessing psychotherapists who have violated professional boundaries.

b. The practitioner performing the assessment must have been approved by the Section or its designee, 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.

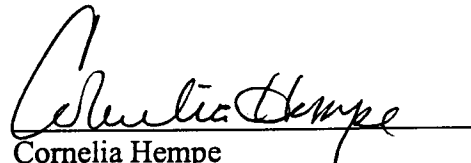
e. Respondent shall appear before the Section on an annual basis, if requested by the Section, to review the progress of any treatment and rehabilitation.

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 Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 19th day of May, 1998.



Cornelia Hempe  
Chairperson  
Social Worker Section

STATE OF WISCONSIN  
BEFORE THE SOCIAL WORKER SECTION  
EXAMINING BOARD OF SOCIAL WORKERS,  
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
:  
LYNN A. ST. CLOUD, CICSW, :  
RESPONDENT. :

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STIPULATION

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It is hereby stipulated and agreed, by and between Lynn A. St. Cloud, Respondent; Steven J. Schaefer, attorney for the Respondent; and John R. Zwieg, 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 96 SOC 006).

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 her right to seek legal representation prior to signing this Stipulation, and has done so.

4. Respondent admits 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.

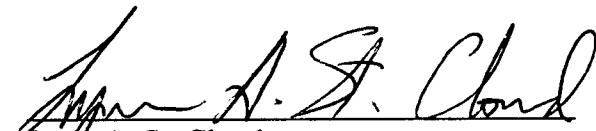
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties 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 Respondent's current wall and wallet registration certificates.


7. The parties to this Stipulation agree that the Respondent, Respondent's attorney, 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 all costs of the investigation and this proceeding.

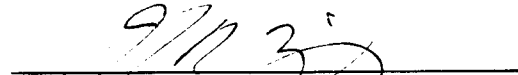
Dated this 8<sup>th</sup> day of May, 1998.

  
Lynn A. St. Cloud  
Respondent

Dated this 8<sup>th</sup> day of May, 1998.

  
Steven J. Schaefer  
Attorney for Respondent

Dated this 4<sup>th</sup> day of May, 1998.

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