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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

Case No. LS9902101SOC

PENNY L. ADKINS, CSW,

RESPONDENT.

FINAL DECISION AND ORDER

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

Penny L. Adkins, CSW
421 Homecroft Ct.
Superior, WI 54880

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

<i>Department of Regulation and Licensing</i>	
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 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. Penny L. Adkins, Respondent, date of birth March 8, 1951, is currently licensed and registered as a social worker in the State of Wisconsin, pursuant to certificate number 3716, which was first granted on June 9, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is 421 Homecroft Ct., Superior, Wisconsin 54880.
3. Respondent received a bachelor of science degree in social work (BSW) from Moorhead State University, Moorhead, Minnesota in 1974.

4. Respondent was employed as the Social Service Coordinator at Fieldview Manor Nursing Home, in Superior, Wisconsin, from March 1994 until May 1995. As the Social Service Coordinator, Respondent was responsible for ensuring that the facility's social services department was in compliance with code requirements.

5. In April of 1995 a survey team from the Wisconsin Department of Health and Social Services Bureau of Quality Assurance conducted a recertification audit of FMNH. The audit of social services at the facility found four federal level B deficiencies relating to the social services department. The cited deficiencies were:

- a. Lack of adequate documentation that alleged abuse and neglect violations were thoroughly investigated.
- b. Lack of notes in the clinical records regarding pertinent social data and actions taken for residents with psychosocial issues.
- c. Lack of mental and psychosocial status assessment reports for residents whose conditions warranted such assessments.
- d. Lack of documentation that resident assessment protocols were used to address triggered areas of concern which had been documented on the residents' minimum data sets and that residents' individual interests and customary routines were integrated into their lives at the facility.

6. Respondent was terminated from her position at FMNH in May of 1995 and immediately called the Minnesota Board of Social Work to determine whether the audit results and termination would have any impact on her Minnesota social work credential. She was advised by the staff of the Minnesota Board to write to that Board and inform them of the situation. Respondent wrote to the Minnesota Board the following month.

7. In September of 1996, Respondent met with the Complaint Panel of the Minnesota Board of Social Work and in December of 1996, Respondent entered into an Agreement for Corrective Action with the Complaint Panel of the Minnesota Board of Social Work, which was based on the findings of deficiency set out in finding of fact 5, above.

8. The Agreement for Corrective Action required:

- a. Respondent to practice social work under the direct supervision of a Licensed Independent Clinical Social Worker or a Licensed Independent Social Worker. Respondent was to be supervised for a total of nine months.
- b. Respondent's supervisor to submit two written reports to the Complaint Panel of the Minnesota Board of Social Work, including in those reports the supervisor's opinion of Respondent's ability to provide competent services and a description of any problems discovered in reviewing Respondent's cases.
- c. Respondent to complete four hours of continuing education on minimum data set/resident assessment protocols as it relates to nursing home documentation and four hours of continuing education on vulnerable adults. Course work to be completed within nine months.

9. On February 27, 1997, Respondent notified the Wisconsin Department of Regulation and Licensing of the findings of deficiency and the Agreement for Corrective Action with the Complaint Panel of the Minnesota Board of Social Work. Respondent's letter was used by the Wisconsin Social Worker Section as the basis for opening the present investigation.

10. Respondent satisfactorily completed the corrective action required by the Agreement for Corrective Action with the Complaint Panel of the Minnesota Board of Social Work and on January 26, 1998 the Minnesota Board of Social Work notified Respondent that the complaint had been dismissed.

11. The Division of Enforcement has contacted Marcia Nason, LICSW, the person who supervised the Respondent under the Agreement for Corrective Action with the Complaint Panel of the Minnesota Board of Social Work. Ms. Nason stated the following regarding her observations of Respondent:

- a. Respondent had a very strong ability to practice.
- b. Respondent was meticulous in her work.
- c. Respondent had good documentation skills.
- d. Respondent was articulate with assessments.
- e. Respondent was concerned about client safety and needs and was a wonderful client advocate.
- f. Respondent was conscientious of confidentiality issues.

g. Ms. Nason did not believe that Respondent needed additional training or supervision.

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 pursuant to §227.44(5), Stats.
3. Respondent's conduct, as set forth in finding of fact 5 subjects respondent to discipline pursuant to §457.22(2)h, Stats., and Wis. Adm. Code §SFC 20.02(22).

ORDER

IT IS ORDERED, that Penny L. Adkins, CSW, is REPRIMANDED for her conduct.

Dated at Madison, Wisconsin this 10th day of February, 1999.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section