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STATE OF WISCONSIN

BEFORE THE MARRIAGE AND FAMILY THERAPIST SECTION

EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

DAVID L. SCHOONHOVEN, M.F.T.,

FINAL DECISION AND ORDER

RESPONDENT

LS0104262MFT

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

David L. Schoonhoven, M.F.T.

N1967 Dewitt Road

Oostburg, WI 53070

Marriage and Family Therapist 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

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 Marriage and Family Therapist 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. David L. Schoonhoven, M.F.T., Respondent, date of birth June 14, 1953, is certified by the Marriage and Family Therapist Section as a marriage and family therapist in the state of Wisconsin pursuant to certificate number 133, which was first granted September 28, 1993.
2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Act 160, §21(2)(e). Respondent received a masters degree from Azusa Pacific University, Azusa, California in 1982.
3. Respondent's last address reported to the Department of Regulation and Licensing is N1967 Dewitt Road, Oostburg, WI 53070

IMPROPER DUAL RELATIONSHIP

4. Prior to Ms. A's seeking professional services from Respondent, Ms. A and Respondent did not know each other.

5. Beginning August 4, 1999, Respondent provided professional services as a marriage and family therapist to Ms. A, who was then a 31-year-old married woman with children aged 3 and 1, living with her husband and children in Sheboygan Falls. The services were provided at Midwest Clinical Services located in the Sheboygan, Wisconsin area.

6. Among the issues addressed in the treatment was the status of Ms. A's marriage. Respondent provided Ms. A with 13 sessions of treatment, the last on January 18, 2000.

7. On January 11, 2000, Ms. A filed for divorce from her husband. The final hearing in the divorce was July 26, 2000.

8. In February 2000, Ms. A called Respondent at his office because she "needed to talk" and had no one else to talk to. It was Ms. A's impression that in that conversation she was talking to Respondent as her therapist.

9. Ms. A says that following the telephone conversation, she saw and spoke with Respondent on approximately 10 occasions when each was going about their respective individual activities in Sheboygan.

10. In March 2000:

a. Ms. A's husband, Mr. A, vacated their home pursuant to a temporary order in the divorce action and no longer resided in the home with Ms. A and the children.

b. Respondent and Ms. A agreed to meet, and met, for coffee.

c. Subsequently, Respondent and Ms. A began telephoning one another and went for dinner together at a local restaurant.

d. On the night of March 10-11, Mr. A observed that Respondent's vehicle was in Ms. A's driveway overnight and that Respondent left the house at 6:30 a.m. the morning of March 11. The children of Mr. A and Ms. A were present in the home that night.

e. Mr. A brought a motion for revision of the temporary orders in the divorce action contending that it was "not in the best interests of the children for [Ms. A] to have overnight male guests during the pendency of this action while the children are present." The motion requested that primary physical placement of the children be transferred from Ms. A to Mr. A and that the occupancy of the residence be awarded to Mr. A.

f. The motion was heard on March 30 and Ms. A testified that Respondent spent some nights at her home, sleeping in the basement, while Respondent's home was being remodeled. Ms. A testified that she and Respondent had no physical contact. It was ordered that Ms. A not have any unrelated adult males on the premises during the pendency of the action.

g. Ms. A has told the Division of Enforcement (Division) that Respondent slept in Ms. A's home for about 7 nights, while Ms. A and her children were present in the home. Ms. A says that Respondent slept in her basement while Respondent's home was being remodeled and that they had no physical contact. Mr. A contends that Respondent spent almost every night in March at Ms. A's home.

11. Subsequent to March 2000:

a. Ms. A and Respondent continued to meet as friends and go out to eat together at least through December 14, 2000, when Ms. A was interviewed by the Division.

b. Ms. A carried a key chain with the inscription "I love David," in reference to Respondent.

c. Respondent often loaned Ms. A the use of Respondent's car.

12. On December 14, 2000, pursuant to an investigative subpoena, the Division questioned Respondent under oath regarding his interactions with Ms. A. Respondent declined to answer those questions, and instead asserted his fifth amendment privilege against self-incrimination. A fact finder in a disciplinary proceeding may draw adverse inferences against a respondent based upon the respondent having asserted a fifth amendment privilege.

CLIENT ABANDONMENT

13. Beginning January 31, 2000, Respondent was employed as a psychotherapist at Choices Family Education Services (Choices) in Sheboygan, WI. On September 8, 2000, Respondent left Choices stating that he was ill. Respondent canceled all his appointments for the week.

14. Personnel at Choices called Respondent several times trying to get him to return. Respondent said he would return to close out his cases, but did not do so. Respondent never returned to Choices after September 8, 2000 and made no effort to terminate treatment with his clients or to refer his clients to another psychotherapist.

15. Although Respondent told personnel at Choices that he was ill, Respondent's clients told Choices personnel that they saw Respondent around town with "his girl friend." Finally, in November, when Respondent did not comply with an ultimatum that he return to work at Choices, Respondent was terminated from his position at Choices.

CONCLUSIONS OF LAW

1. The Marriage and Family Therapist 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 Marriage and Family Therapist 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. Respondent's conduct, as set out above, constituted a failure to avoid a dual relationship or a relationship that may impair a marriage and family therapist's objectivity or create a conflict of interest, which was in violation of Wis. Adm. Code § SFC 20.02(13) and subjects Respondent to discipline pursuant to §457.26(2)(h), Stats.
4. Respondent's conduct in suddenly ending all of his clients' therapy without proper termination was gross negligence in practice in a single instance, and negligence in practice in more than one instance in violation of Wis. Adm. Code § SFC 20.02(22) and subjects Respondent to discipline pursuant to §457.26(2)(h), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The surrender by David L. Schoonhoven, M.F.T., Respondent, of his certificate to practice as a marriage and family therapist in the state of Wisconsin is hereby accepted, effective immediately.
2. If Respondent ever petitions the Section for certification as a marriage and family therapist:
 - a. Respondent shall satisfy all requirements for that credential which are then required by statute and administrative rule.
 - b. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care provider experienced in assessing health care providers who have violated professional-client boundaries, who has not treated Respondent.
 - c. The practitioner performing the assessment must have been approved by the Section, with an opportunity for the Division of Enforcement (Division) to make its recommendation, prior to the evaluation being performed.
 - d. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of patients and public.
 - e. Respondent shall notify the Division of the petition and the Division shall have the opportunity to apprise the Section of all allegations contained in these investigations pending at the time the attached stipulation was executed.
 - f. Following the presentation of information by the Division, the Section may in its sole discretion elect to certify Respondent, with or without limitations, or to deny Respondent's petition.
 - g. If the Section determines to issue certification to Respondent, Respondent's certificate shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the findings of fact and 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.

h. If Respondent believes that the Section's denial of certification is inappropriate or that any limitation imposed by the Section is inappropriate, Respondent may seek a class 1 hearing pursuant to § 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 denial of certification or limitations on Respondent's certification shall remain in effect until there is a final decision in Respondent's favor on the issue.

i. Any petition for certification or request for approval of an evaluator, therapist, supervisor or educational program 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

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 26th day of April, 2001.

Lynn Gauger, M.F.T.

Chairperson

Marriage and Family Therapist Section