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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:

MARY JEAN STICH, C.I.C.S.W.,
RESPONDENT

FINAL DECISION AND ORDER
LS0110251SOC

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

Mary Jean Stich, C.I.C.S.W.
2427 S. 82nd Street
West Allis, WI 53219

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 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. Mary Jean Stich, C.I.C.S.W., Respondent, date of birth October 7, 1965, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 6157, which was first granted February 10, 1997.
2. Respondent received a master of social work degree from the University of Wisconsin-Milwaukee on August 12, 1989.
3. Respondent's last address reported to the Department of Regulation and Licensing (Department) is 2427 S. 82nd Street, West Allis, WI 53219.

COUNT I

4. On June 2, 1995, the Department received Respondent's application and fee by which Respondent sought certification as an independent clinical social worker without examination, pursuant to § SFC 3.10, Wis. Adm. Code (1993), the grandparenting provisions of 1991 Wisconsin Act 160 § 21(2)(d) (non-statutory provisions). Those provisions would have required Respondent to have a master's degree in social work and to have been engaged in at least 2 years of post-degree full-time supervised clinical social work practice.

5. However, to qualify for certification under the grandparenting provisions, an applicant must have submitted a completed application and fee to the Department no later than May 31, 1995. Respondent's application was incomplete because it had not been notarized.

6. On June 8, 1995, the Department notified Respondent that her application was received after the statutory deadline date for certification under the grandparenting provisions. Because Respondent possessed the requisite master's degree in social work and because Respondent had stated on her application that she had two years of supervised practice of clinical social work, Respondent was also notified that she would be eligible to take the social worker exam to qualify for certification as an independent clinical social worker. The Department sent Respondent another application form to complete and return.

7. Respondent completed the second application which was notarized August 2, 1995 and received by the Department on September 5, 1995.

8. At that time, to qualify for certification as an independent clinical social worker, § 457.08(4), Stats., required that an applicant:

a. Submit an application and pay the required fee.

b. Submit evidence satisfactory to the social worker section that he or she has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work and, as part of the master's or doctorate degree program, had a clinical social work concentration and completed supervised clinical field training.

c. Submit evidence satisfactory to the social worker section that after receiving a master's or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised clinical social work practice approved by the social worker section. (emphasis added)

d. Pass an examination approved by the social worker section to determine minimum competence to practice as an independent clinical social worker as specified in the rules promulgated under s. 457.03 (2) or passes an advanced clinical social work examination approved by the social worker section.

9. Respondent paid the fee and had an appropriate master's degree, which met the requirements set out in subparagraphs 8a and 8b, above.

10. Respondent noted on her application: "I . . . have engaged in the equivalent of at least 2 years of full-time supervised clinical social work practice." (emphasis added) If this statement were true, Respondent would have met the requirement set out in subparagraph 8c.

11. Respondent took and passed the clinical level AASSWB examination in March of 1996, which met the requirement set out in subparagraph 8d, above.

12. The Social Worker Section granted Respondent a certificate as an independent clinical social worker based on the information contained on her completed application. That application did not require Respondent to indicate when and where Respondent had the two years of full-time supervised clinical social work practice and the Section relied on Respondent's statement that she had engaged in that supervised practice.

13. § SFC 2.01(8), Wis. Adm. Code, says:

"Clinical social work" means social work with a clinical emphasis consisting of assessment; diagnosis; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation. "Clinical social work" does not include indirect social work service, administrative, research, or other practice emphasis.

14. Respondent's actual supervised pre-certification social work practice was not clinical practice and Respondent did not meet the requirements to obtain certification as an independent clinical social worker.

15. Respondent's actual supervised practice was:

a. Milwaukee Jewish Home (February 1990 – January 1992): Intake/admission coordinator; community referral; case management services; resident rights advocate; psycho-social assessment; multi-disciplinary team management; therapeutic analysis/intervention; crisis intervention; resident/family adjustment counseling; CBRF coordination; discharge planning; hospice coordinator; in-service leader; and documentation.

b. We Care Home Health (January 1992 – July 1992) Social service program coordinator; staff supervisor; financial assistance worker; community resource/referral; staff training/education; policy development; community out-reach; home visitation; interdisciplinary team management; behavioral analysis; psycho-social assessment; and marketing. Staff supervision; fiscal planning; and coordinator.

c. Northwest Rehabilitation Center (August 1992 – January 1993) Case management services for brain injured population; financial planning; community referral; discharge planning; psychotherapy; interdisciplinary team management; public relations; and seminar presentation.

d. Sinai Samaritan Medical Center (February 1993 – May 1993) Case coordinator; discharge planning, psycho-social assessment; multi-disciplinary team management; therapeutic interventions/counseling; public relations and crisis management.

COUNT II

16. From May 1994 to the Fall of 1997, Respondent was employed as the Director of Social Services at the Kilbourn Care Center (KCC) in Milwaukee, Wisconsin. KCC is a 97-bed nursing home facility where Respondent handled admissions and performed social services duties.

17. In August 1997, as a result of a state survey which cited numerous violations, KCC hired an independent consultant to address the problems related to the Social Service Department. The consultant worked with Respondent to devise a plan of correction.

18. KCC afforded Respondent overtime and uninterrupted time to bring her social services work into compliance with the plan of correction, but Respondent failed to do so. Because Respondent was unable to adhere to the plan of correction, KCC administration and Respondent agreed that she would leave that employment.

19. An audit of Respondent's work in social services at KCC was conducted. The investigation showed:

- o Histories and physicals were not completed;
- o Quarterly charting as federally regulated was not completed;
- o Gaps in required information and documentation such as missing psychosocial assessments, social histories, discharge plans, timely progress notes and guardianship papers;
- o Personal checks from family members to residents' trust account funds or payments to the facility were left in envelopes in stacks of papers in Respondent's office;
- o Incomplete social histories, psychosocial assessments, progress notes and correspondence from Social Security were found in piles of papers in Respondent's office.

COUNT III

20. From sometime prior to the beginning of 2000 until May 17, 2000, Respondent was employed as the Director of Social Services at the Waters of Westmoreland (Waters) nursing home in Waukesha, Wisconsin.

21. Beginning in approximately January 2000, a social worker from the Waukesha Department of Human Services (WDHS) repeatedly requested Respondent to follow up on several medically related social services tasks regarding one of the residents at Waters. These tasks included:

- o determining whether a cancerous lesion on the resident's lip needed follow-up;
- o obtaining a dental consult;
- o determining whether the resident was competent to make decisions about her dental care and cancer treatment; and
- o working with the social worker to determine whether the power of attorney for health care (living in Arizona) was acting in the resident's best interest.

22. Respondent told the WDHS social worker on numerous occasions that the tasks were being followed up on.

23. On May 17, 2000, the WDHS social worker came to Waters to follow up on the resident and discovered that Respondent had not initiated any of the tasks that she had been requested to carry out on behalf of the resident.

24. On the same day, the WDHS social worker met with Respondent and the Waters Administrator to discuss why Respondent had not carried out the requested tasks. Respondent initially told the WDHS social worker that she had delegated the tasks to another employee, before finally admitting that she had not carried them out.

25. Respondent was immediately suspended pending investigation and was subsequently terminated from her employment for failing to complete job assignments and for failing to meet the performance standards of the job.

26. Following Respondent's termination, Waters staff cleared out Respondent's office and found important papers which were lost behind Respondent's desk and file cabinets, as well as stuffed in the drawers of her desk. Included in the documents found in Respondent's office were:

- o 5 assorted checks made out to residents;
- o 50 pages of assorted activated powers of attorneys, examinations of incapacity; psychologist progress notes, physician statements of incapacity, psychological evaluations dates range 6/13/99 to 4/21/00;
- o 40 assorted clinical records, including durable powers of attorney papers, care plans, social service progress notes, admission notes, RAPs, resident grievances, MDSs, resident scanned photos for charts, unopened letters from families with new addresses, notarized payee forms;
- o Title XIX appointments, private insurance papers, personal completed income tax form requiring resident's signature addressed to Respondent.

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. Respondent made a material misstatement in an application for a certificate by submitting an application for certification as an independent clinical social worker claiming to have met the requirement of 2 years of post-degree full-time supervised clinical social work practice, which Respondent did not have, and is subject to discipline pursuant to § 457.26(2)(a), Stats. (Count I)

4. Respondent's conduct at Kilbourn Care Center constitutes gross negligence in practice, which is unprofessional conduct as defined by § SFC 20.02(22), Wis. Adm. Code, and subjects Respondent to discipline pursuant to §457.26(2)(f), Stats. (Count II)

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certification of Mary Jean Stich, C.I.C.S.W., Respondent, as an independent clinical social worker in the state of Wisconsin is hereby **REVOKED**, effective immediately.

2. That if Respondent shall ever apply for any certification from the Wisconsin Social Worker Section:

a. She shall be required to meet all requirements for that certification which are then required by statute and administrative rule, prior to being certified.

b. The Section may review and consider this Final Decision and Order and the contents of investigative file 00 SOC 031.

c. The decision whether to grant Respondent certification, with or without limitations, shall be in the sole discretion of the Section.

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 25th day of October, 2001.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section