

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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:

JANE A. KELLEY, C.I.C.S.W.,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0206131SOC

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

Jane A. Kelley, C.I.C.S.W.  
4779 N. Larkin Street  
Milwaukee, WI 53211

Social Worker Section  
Examining Board of Social Workers,  
Marriage and 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 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. Jane A. Kelley, C.I.C.S.W., Respondent, date of birth February 9, 1952, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 598, which was first granted August 18, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 4779 N. Larkin Street, Milwaukee, WI 53211.
3. Respondent provided individual psychotherapy to Ms. A from April 27, 1999 through August 16, 1999 at Respondent's clinic in Milwaukee, Wisconsin. During that period:

- a. Ms. A sought therapy to re-focus on her own life after spending one and one-half years of being the primary caretaker for her then partner of twelve years who had sustained a brain injury.
- b. Respondent diagnosed Ms. A with Adjustment Reaction Disorder.
- c. There were ten therapy sessions.
- d. Therapy was of a supportive nature for a situational condition and Ms. A accomplished her primary goals quickly.

4. During the ten sessions, Ms. A became interested in the psychological process and how she could use it in her career as a marketing director. Ms. A inquired about a different treatment modality in which Respondent specializes that included Bioenergetics and other body/mind therapies. Ms. A expressed an interest in learning more about the body/mind connection.

5. Respondent and Ms. A agreed that Respondent would provide Ms. A with various reading and other educational materials and that they would continue to meet to discuss what Ms. A read and how it could apply to her own personal growth. Respondent met with Ms. A for a total of seven additional "educational" sessions from September 2, 1999 until November 24, 1999. A termination session was held on that date.

6. On December 4, 1999, Ms. A attended a large group workshop facilitated by Respondent which focused on the foundations of Bioenergetics and how to utilize it outside of the therapeutic setting. Ms. A attended in an observational capacity and watched other participants do experiential work. This was the last time Respondent and Ms. A met professionally.

7. In March 2000, Respondent and Ms. A had a chance meeting at a local coffee shop. Ms. A requested an opportunity to see Respondent socially. In response, Respondent discussed with her the ethical implications of social contact between therapists and former clients. Respondent mistakenly believed at that time that there need only be a six-month period of "no contact" before any social contact could be considered. Respondent declined further contact with Ms. A at that time.

8. In May 2000, six months after their last professional contact, Ms. A called Respondent and invited her out for dinner. Based on her understanding that it was within appropriate boundary standards, Respondent agreed to meet Ms. A and went out to dinner with her.

9. In June 2000, Respondent and Ms. A began seeing each other socially. After several meetings, their friendship grew quickly and sometime in July 2000, Respondent and Ms. A began an intimate relationship, which included sexual contact.

10. Soon after Respondent and Ms. A began seeing each other socially, Respondent consulted with a doctoral level certified marriage and family therapist regarding her relationship with Ms. A. Respondent saw the therapist individually on four occasions from June 23, 2000 to August 18, 2000. The therapist explored the issue of possible exploitation and was satisfied that Respondent's relationship with Ms. A was not exploitive. At the August 18 session, Respondent told the therapist that Ms. A wanted to participate in the therapy sessions and the therapist agreed that Ms. A could join them for the next session.

11. Respondent and Ms. A met with the therapist on three occasions from September 15 to October 13, 2000. Ms. A reported to the therapist that Respondent had always acted in a professional manner during the therapeutic relationship and subsequent educational sessions and never in any way suggested the possibility of future contact or establishing a friendship. The therapist determined Ms. A to be a strong, independent woman and did not see any power differential between Respondent and Ms. A.

12. Before concluding therapy, the therapist recommended that Respondent contact the National Association of Social Workers (NASW) to obtain information about any continuing education classes regarding socialization with clients after termination of therapy. Although the therapist, Respondent and Ms. A agreed that the October 13 session was to be the final therapy session, they set up a "touch base"/closure session for February 5, 2001.

13. In November 2000, Respondent and Ms. A began residing together and to this date remain in a committed relationship.

14. Sometime after Respondent and Ms. A became involved in the intimate relationship, Respondent read an article in the Wisconsin Regulatory Digest, a semi-annual publication of the Social Worker Section, which outlined the issues of sexual misconduct and contained information contrary to Respondent's understanding of the rules.

15. Because of her concern with the legal and ethical implications of her relationship with Ms. A, Respondent registered for and attended a NASW sponsored workshop "*NASW WI Ethics and Boundaries in Social Work Practice: Understanding Our Professional Responsibilities*" on November 7, 2000. It was at that workshop that Respondent realized she was in violation of the statutes and rules of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapist and Professional Counselors regarding sexual misconduct.

16. During their final meeting on February 5, 2001, Respondent told the therapist she had learned that the NASW guidelines and state regulations were contrary to what she had believed them to be. Respondent also told the therapist that she had contacted an attorney for advice on whether she should self-report to the Social Worker Section.

17. Upon the recommendation the therapist, Respondent self-reported to the Social Worker Section that she had become romantically and sexually involved with a former client within approximately 6 months after the termination of professional services, in violation of Wis. Admin. Code § SFC 20.02(11). Neither the Section nor the Division of Enforcement had knowledge of the relationship prior to receiving the self-report.

18. At the request of the Division, Respondent agreed to a psychological evaluation by Dr. John C. Gonsiorek, a Minneapolis psychologist with experience in assessing practitioners who have become involved sexually with former clients. In his written psychological evaluation dated April 22, 2002, Dr. Gonsiorek concluded that Respondent does not likely pose a current risk in the practice of social work. Dr. Gonsiorek's psychological evaluation report was reviewed by the Section and considered in determining the appropriateness of the Order, below.

#### 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, by engaging in sexual conduct with a former client within 2 years of termination of professional services, has committed unprofessional conduct as defined by Wis. Admin. Code § SFC 20.02(11), and is subject to discipline pursuant to §457.26(2)(f), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Jane A. Kelley, C.I.C.S.W., is REPRIMANDED for the conduct set out above.

IT IS FURTHER ORDERED that, effective immediately:

1. Respondent shall take and complete, at her own expense, a one day program which addresses issues of ethics and professional-client relationship boundaries.

2. Respondent has complied with paragraph 1 of this Order by having taken and completed *"NASW WI Ethics and Boundaries in Social Work Practice: Understanding Our Professional Responsibilities"* as noted in the Finding of Fact 15, above.

3. Within 30 days of the date of this Order, Respondent shall obtain a Professional Mentor, approved by the Section or its designee, and shall continue to have a Professional Mentor during all periods during which Respondent practices under her certificate and the Section or its designee requires a Professional Mentor.

a. The Professional Mentor shall be a clinical social worker who is experienced, more traditional than Respondent and fluent with emerging professional standards.

b. The Professional Mentor shall be the individual responsible for supervision of Respondent's practice of clinical social work. At the discretion of the Section or its designee, supervision may include weekly meetings, review of charts selected by the Professional Mentor, and any other actions deemed appropriate by the Professional Mentor to determine that Respondent is practicing in a professional and competent manner.

c. The Professional Mentor may designate another qualified health care provider acceptable to the Section to exercise the duties and responsibilities of the Professional Mentor in an absence of more than three weeks. In the event that the Professional Mentor is unable or unwilling to continue to serve as Respondent's Professional Mentor, the Section may in its sole discretion select a successor Professional Mentor.

d. The Professional Mentor shall have no duty or liability to any client or third party, and the Mentor's sole duty is to the Section.

e. The Professional Mentor shall:

(i.) Review Respondent's practice patterns to ensure that Respondent has fully integrated current social work professional standards in all areas of her practice.

(ii.) Help Respondent select training opportunities to increase her alignment with current standards;

(iii.) Serve as a consultant about gray areas of professional standards and ethics.

(iv.) Review Respondent's practice in body oriented therapies, which carry an enhanced risk of liability and professional practice problems, and make necessary changes from a social work perspective, and not from the non-traditional perspective of body work.

f. Supervision by the Professional Mentor shall continue until such time as the Professional Mentor recommends that it be ended and the Section accepts that recommendation.

4. Within 30 days of the date of this Order, Respondent shall enter into and continue successful participation in all components of psychotherapy, with a psychotherapist approved by the Section or its designee.

a. Respondent shall immediately provide the psychotherapist with copies of:

(i.) This Final Decision and Order.

(ii.) Dr. Gonsiorek's evaluation of April 22, 2002.

b. Respondent shall cooperate with and follow all recommended treatment.

c. The schedule of treatment shall be determined by the psychotherapist.

d. Treatment shall continue until such time as the psychotherapist recommends that it be ended and the Section accepts that recommendation.

e. Respondent shall provide and keep on file with the psychotherapist current releases which comply with state and federal laws authorizing release of all medical and treatment records and reports to the Section, and permitting the psychotherapist to disclose and discuss the progress of Respondent's treatment and rehabilitation with the Section or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Section. Copies of these releases shall be filed simultaneously with the Department Monitor.

5. Respondent's psychotherapist shall submit quarterly reports to the Section regarding Respondent's participation and progress in treatment. Submission of the reports by the psychotherapist shall be Respondent's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.

6. Respondent's Professional Mentor shall submit quarterly reports to the Section regarding Respondent's work performance. Submission of the reports by the Mentor shall be Respondent's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.

7. Respondent's psychotherapist or Respondent's Professional Mentor, upon becoming aware that Respondent has failed to cooperate with treatment or has otherwise violated the terms of this Order, shall immediately submit written notification to the Section.

8. If Respondent has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Respondent shall immediately submit written notification to the Section.

9. All requests, notifications and reports required by this Order or any petition or request for modification or removal of the limitations 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

10. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's certification 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, the Section may order that Respondent's certification 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 13th day of June, 2002.

Douglas Knight

Chairperson

Social Worker Section