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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:

CYNTHIA J. KLEIN, CICSW,
RESPONDENT

FINAL DECISION AND ORDER
LS0206132SOC

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

Cynthia J. Klein, CICSW
35197 Wakenen Dr. NE
Cambridge, MN 55008

Social Worker Section
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 of 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. Cynthia J. Klein, Respondent, date of birth November 23, 1961, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 2648, which was first granted June 9, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is 35197 Wakenen Dr. NE, Cambridge, MN 55008.
3. Respondent received a master of science degree in social work (MSSW) from New York University in 1984.
4. In February 1993, Respondent was employed as a psychotherapist at Lakes Area Human Services, Inc. (LAHS)

in St. Croix Falls, Wisconsin. Ms. A was referred to Respondent for individual therapy. Respondent provided therapy and counseling to Ms. A from February 11, 1993 to June 22, 1994. Respondent provided Ms. A with therapy sessions on 72 occasions in 1993, and on 41 occasions in 1994.

5. During sessions in May 1993, Respondent explained the nature of the therapeutic relationship. They discussed trust and honesty in a therapeutic relationship. Ms. A talked of her abuse/betrayal by a previous therapist.

6. During June 1993, they discussed Ms. A's feelings of dependency on Respondent and how those feelings frightened Ms. A due to her fear of abandonment.:

7. During the August 1993 sessions, Respondent discussed with Ms. A therapist/client boundary issues and dependency concerns. Respondent noted "Discussed therapy limitations/boundaries." At the next session, Respondent wrote "Continued to discuss boundary issues with [Ms. A] - where we see limits in our therapeutic relationship. How best I can communicate those limits to [Ms. A]."

8. Respondent had a contract with a doctoral level independent clinical social worker in Minnesota (Consultant Social Worker), who provided consultation to Respondent concerning her cases. On November 3, 1993, Respondent sought consultation with the Consultant Social Worker regarding Respondent's diagnosis of Ms. A and to discuss boundary issues. Respondent wanted to discuss feedback she had received from friends and professional colleagues that it appeared she was having problems maintaining appropriate professional boundaries with Ms. A. The Consultant Social Worker's consultation record for that date indicated that:

- "Cindy likes [Ms. A] a lot and finds self giving more to [Ms. A] than to other clients.
- Very aware of boundaries and constantly monitoring for impact of intervention on transference.
- Wants to work on examining boundaries and how Cindy is managing them.
- Get clearer about client."

9. On November 30, 1993, Respondent met with the Consultant Social Worker. They discussed therapeutic relationships and the dangers and advantages of closeness in therapeutic relationships. Respondent wanted to accompany Ms. A to Madison, Wisconsin as a support for another sort of matter. The Consultant Social Worker suggested that would constitute a conflict in roles, and also examined other decision making and clinical thinking of Respondent regarding the case.

10. On December 17, 1993, Respondent told the Consultant Social Worker that she was having difficulty talking to Ms. A about Ms. A's feelings toward Respondent because Respondent had a strong affection for Ms. A. The Consultant Social Worker and Respondent attempted to work out Respondent's feelings for Ms. A. The Consultant Social Worker thought that Respondent's feelings about Ms. A were interfering with her ability to help Ms. A.

11. During January of 1994, Respondent and Ms. A dealt with Ms. A's anxiety and fear regarding an upcoming trial. The trial was held in February 1994:

- At the request of Ms. A's attorney, Respondent attended the trial as support for Ms. A.
- At the request of Ms. A's attorney, Ms. A stayed with Respondent overnight at Respondent's home during the course of the trial.

12. Respondent did not make any record of attending the trial or of Ms. A staying at Respondent's home. After it occurred, she informed LAHS staff that Ms. A stayed overnight at Respondent's home.

13. On February 16, 1994, Respondent told the Consultant Social Worker that she had allowed Ms. A to spend the night in Respondent's home during the trial because Ms. A was stressed by the trial and Respondent thought that Ms. A would not be able to manage emotionally. The Consultant Social Worker told her it exceeded appropriate boundaries and said Respondent should explore what was happening in the relationship between Respondent and Ms. A. She also said that Respondent needed more frequent consultation.

14. On March 1, 1994, Respondent had a therapy session with Ms. A. Respondent was going on vacation and noted Ms. A "is feeling highly anxious re my going on vacation for a week. Explored her fears. She is embarrassed over feeling so desperate."

15. At a March 2, 1994 consultation, the Consultant Social Worker told Respondent she was concerned that Respondent was not making decisions in the best interests of Ms. A or herself. They discussed amending the contract from consultation to supervision. Respondent told the Consultant Social Worker that she felt Ms. A had made tremendous progress as a result of the extra time Respondent had spent on the case. The Consultant Social Worker suggested that exploring what was happening in therapy would improve the therapy and give Respondent more distance to make decisions. They decided to meet every two weeks.

16. During an April 6, 1994 consultation, the Consultant Social Worker:

- Commented on a tape Respondent brought in during the last session, which consisted of Respondent reading Ms. A's journal entries set to music. The journal entries were mostly about how much Respondent had done for Ms. A.
- Told Respondent that she was disturbed by the tape because there was too much focus on Respondent and not enough on helping Ms. A.
- Told Respondent she was concerned Respondent was stretching the boundaries in a dangerous way and that Respondent needed to go back and review her decision making.
- Discussed with Respondent the countertransference issues that led to Respondent allowing Ms. A to do things that Respondent would not allow any other client do.
- Expressed concern that Respondent seemed to have a lack of concern and recognition about how the boundary issues could harm the client.
- Said that if the supervision was to continue, she would have to review tapes of treatment sessions and go over Ms. A's treatment plan and become part of the decision making process.
- Informed Respondent that there would be no more pushing the boundaries. Respondent admitted that she felt resistance and felt justified of her actions because Ms. A was making good progress.
- Told Respondent that the same ends could be achieved without the risks that the shaky boundaries carried.

17. On April 11, 1994, Respondent asked to meet with the clinic director at LAHS. The director expressed his concerns regarding Respondent's over involvement in Ms. A's case and the implications of the current dual-relationship developing into an outside relationship. They also discussed Respondent's consultations with the Consultant Social Worker. It was agreed that Respondent would talk to Ms. A about returning to a boundaried relationship or having Respondent stop treating Ms. A.

18. In April, 1994, Respondent met with Ms. A to discuss Respondent's concern about the legal, professional and emotional repercussions of the dual-relationship. Respondent discussed moving the relationship to a more boundaried level or of discontinuing therapy.

19. During the middle of April of 1994, sought authorization from Ms. A's insurance company for additional individual therapy sessions. Respondent requested 26 individual therapy sessions beginning April 25, 1994 and ending on December 21, 1994.

20. On April 16, 1994, an LAHS therapist and another individual went to visit Respondent at her home. When they arrived at Respondent's home, they found Ms. A and Respondent there. Respondent told the visitors that they were looking for a home for Ms. A. There was no notation of this contact in Respondent's treatment records of Ms. A.

21. During an April 19, 1994 therapy session, Ms. A told Respondent she did not want to work with another therapist and that she wanted to continue working with Respondent. Respondent continued to explain recreating a more boundaried relationship. A plan for Ms. A to be seen twice a week for 6 weeks was discussed.

22. During a April 20, 1994 consultation with the Consultant Social Worker:

- Respondent admitted ambivalence about supervision.
- Respondent said she had approached Ms. A about a more structured therapeutic relationship and Ms. A said she did not want to work in that kind of relationship.
- Respondent said she was trying to decide whether to get Ms. A into a structured therapy relationship, but did not know whether it would take the form of a therapeutic relationship or of a support person.
- The Consultant Social Worker explained her concerns about Respondent trying to transition from a therapist to a support person for Ms. A and explained problems with a dual relationship.
- At that point, Respondent said she did not want to continue supervision with the Consultant Social Worker, that she would not tape Ms. A's therapy sessions and would not promise not to see Ms. A outside of therapy.
- Respondent ended supervision.

23. On June 22, 1994 Ms. A gave Respondent a "To Whom It May Concern" letter, in which she indicated that she was voluntarily terminating treatment, without pressure from anyone. She indicated that therapy with Respondent initially focused on divorce issues, but then therapy shifted focus to past sexual, emotional, and physical abuse issues. She indicated that therapy with Respondent had been intense, being seen twice a week, with phone contact on weekends. Ms. A stated that it was time for her to work on the survival skills that Respondent had taught her, and while she wouldn't say that therapy was complete, she felt the need to practice what she has learned. Ms. A thanked LAHS, and in particular, Respondent, for their belief in her and the persuasion to move her ahead. Ms. A terminated therapy with Respondent and did not stay for the session. Respondent asked Ms. A to remain in touch with Respondent and to return to therapy in the future if she needed to do so.

24. During June and July of 1994:

- Ms. A had recently sold her home and needed a place to live.

- o Ms. A was familiar with the area Respondent lived in because she had been to Respondent's house delivering animals to a friend of Respondent.
- o Ms. A was looking for a home in the area Respondent lived.
- o Respondent allowed Ms. A to keep her pets in Respondent's outbuildings.
- o Respondent then allowed Ms. A and Ms. A's son to temporarily move into Respondent's home.
- o Respondent left her position as a therapist and counselor at LAHS, and she and another former therapist at LAHS opened a clinic in St. Croix Falls, Wisconsin.
- o In the later part of July 1994, Respondent and Ms. A helped with the physical preparations of opening the St. Croix Falls office.
- o Respondent's partner in the clinic became concerned about the relationship he observed between Respondent and Ms. A. Respondent then confided to the partner that Ms. A was living with her in Respondent's home.

25. Ms. A's move into Respondent's home was initially intended to be temporary. To date, Ms. A continues to live with Respondent in Respondent's home.

26. At the request of the Division of Enforcement, Respondent and Ms. A have each provided sworn statements that they have never had a sexual relationship and have never had sexual contact with each other.

27. At the suggestion of the Division of Enforcement, Respondent has attended and completed on May 13, 2002 "Ethics, Boundaries and Practice: Current Issues" a program presented by Gary Schoener and sponsored by the University of Wisconsin-Madison Division of Continuing Studies. (Six continuing education clock hours)

28. This stipulated resolution was to have been considered at the May 15, 2002 meeting of the Section. However, the Section was unable to consider the matter on May 15, 2002 because there were insufficient members of the Section present to vote for a suspension. Had it been accepted at that time, the suspension would have become effective June 1, 2002. For that reason, Respondent made arrangements to cease practicing June 1, 2002 and has not practiced as a social worker in Wisconsin since that date.

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's conduct, as set out above, failed to avoid dual relationships or relationships that might impair Respondent's objectivity or create a conflict of interest and subjects Respondent to discipline pursuant to § 457.26(2)(h), Stats., and Wis. Adm. Code § SFC20.02(13).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certificate of Cynthia J. Klein, CICSW, as an independent clinical social worker in the State of Wisconsin, is hereby **SUSPENDED** for a period of at least 90 days. Commencement of the period of suspension is retroactive to June 1, 2002.

2. The suspension of Respondent's certificate shall end after the 90 day period, upon Respondent providing proof sufficient to the Section that:

a. Respondent has, at her own expense, undergone an assessment by a mental health care practitioner or practitioners with experience in assessing health care practitioners who have become involved in dual relationships with clients.

i. The practitioner or practitioners 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.

ii. The Division of Enforcement shall provide the assessor(s) and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the assessor(s) with any information Respondent believes will be of assistance in performing the assessment.

iii. Respondent shall authorize the assessor(s) to provide the Section, or its designee, with the assessment report and all materials used in performing the assessment and shall provide the Section, or its designee, and the Division with the opportunity to discuss the

assessment and findings with the assessor(s).

b. The assessor(s) rendered opinions to a reasonable degree of professional certainty that Respondent can practice with reasonable skill and safety to patients and public.

3. If Respondent has complied with the requirements for the termination of the suspension, the Section may limit Respondent's certificate in any manner necessary to address issues raised by the facts of this case or by the assessment, including, but not limited to:

a. 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.

b. Additional professional education in any identified areas of deficiency.

c. 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.

4. If Respondent believes that any refusal to end the suspension 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 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. Any request for approval of educational programs or assessors and evidence of compliance with the requirements to terminate the suspension shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

6. 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 13th day of June, 2002.

Douglas Knight

Chairperson

Social Worker Section