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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:

LYNN T. AUSTRHEIM, C.I.C.S.W.,
RESPONDENT

FINAL DECISION AND ORDER
LS0206134SOC

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

Lynn T. Austrheim, C.I.C.S.W.

338 Eastern

Barrington, IL 60010

Social Worker 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

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 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. Lynn T. Austrheim, Respondent, date of birth July 2, 1935, was certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin, pursuant to certificate number 4200, which was first granted September 25, 1995.
2. Respondent's last address reported to the Department of Regulation and Licensing is 338 Eastern, Barrington, IL 60010.
3. Each person certified as an independent clinical social worker in the state of Wisconsin must renew that certification biennially, by July 1 of each odd numbered year. [§§ 440.08(2)(a)68t., and 457.20, Stats.]

4. To be qualified to renew the certification for the next biennial registration period, the certificate holder must have completed at least 30 hours of continuing education acceptable to the Section, including 2 hours in social work ethics and 2 hours in issues concerning professional boundaries, in the previous biennial registration period. [Wis. Adm. Code §§ SFC 8.01, SFC 8.02 and SFC 8.03]

5. Prior to July 1, 2001, the Wisconsin Department of Regulation and Licensing sent Respondent a form to execute and return with the required fee if Respondent wished to renew his certification as an independent clinical social worker in the state of Wisconsin for the July 1, 2001 through June 30, 2003 biennium.

6. That renewal form contains the following language, immediately above the line which Respondent was to date and sign:

"I have or will have completed **30 credit hours** of continuing education, **including 2 credits in social work ethics and 2 credits in issues concerning professional boundaries**, between July 1, 1999 and June 30, 2001, and I have or will have evidence of this which I will furnish to the Board upon request." (Emphasis added)

7. Respondent signed and returned the renewal form certifying that he had completed the continuing education requirements of the Section during the July 1, 1999 through June 30, 2001 biennium.

8. On September 21, 2001, in conducting a random audit on behalf of the Section, the Department sent a letter to Respondent requesting him to send the Section verification that he had completed the 30 hours of continuing education, which he had claimed to have completed prior to renewing his certification for the July 1, 2001 through June 30, 2003 biennium.

9. On October 23, 2001, Respondent submitted documentation of the continuing education programs he completed during the July 1, 1999 through June 30, 2001 biennium. It was determined that Respondent had completed only 16 hours of continuing education during the July 1, 1999 through June 30, 2001 biennium. The documentation did not include verification of any hours in the area of social work ethics or issues concerning professional boundaries.

10. On January 9, 2002, the Department sent a letter to Respondent notifying him of his noncompliance with the Section's continuing education requirements. The letter also informed Respondent that if he wished to appeal the Section's initial finding of noncompliance, he must submit to the Section additional documentation to correct the deficiencies noted by the Section.

11. On January 15, 2002, Respondent sent a written reply to the Section asking the Section to waive his noncompliance with the continuing education requirements. The Section declined to grant Respondent a waiver.

12. Respondent also sent documentation showing he had completed 11 hours of continuing education subsequent to the end of the July 1, 1999 through June 30, 2001 biennium but did not include any additional information to document compliance with the Section's continuing education requirements for the July 1, 1999 through June 30, 2001 biennium.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors has jurisdiction over this matter pursuant to § 457.26, Stats.

2. The Social Worker Section of the 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, by signing the certification renewal form which states "I have or will have completed 30 credit hours of continuing education, including 2 credits in social work ethics and 2 credits in issues concerning professional boundaries, between July 1, 1999 and June 30, 2001, and I have or will have evidence of this which I will furnish to the Board upon request," when he knew that he had not completed such hours, is subject to discipline pursuant to Wis. Adm. Code § SFC 20.02(4) and § 457.26(2)(a), Stats.

4. Respondent, by failing to obtain 30 hours of continuing education between July 1, 1999 and June 30, 2001, as required by Wis. Adm. Code § SFC 8.01, is subject to discipline pursuant to Wis. Adm. Code § SFC 20.02(19) and § 457.26(2)(h), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Lynn T. Austrheim, C.I.C.S.W., Respondent, of his certification as an independent clinical social worker in the state of Wisconsin is hereby accepted, effective immediately.

2. That if Respondent elects to seek any certification from the Social Worker Section, Respondent may be certified only if Respondent has provided proof sufficient to the Social Worker Section that Respondent has:

- a. Met all requirements for that certification which are then required by statute and administrative rule, prior to being certified.
- b. Taken and completed an additional 14 hours of continuing education acceptable to the Section, including 2 hours in social work ethics and 2 hours in issues concerning professional boundaries, which shall be applied to the hours Respondent should have obtained during the July 1, 1999 through June 30, 2001 biennium. [The 11 hours of continuing education completed by Respondent and noted in Finding of Fact 11 shall be counted toward the 14 hours.]
- c. Taken and completed an additional 30 hours of continuing education acceptable to the Section, including 2 hours in social work ethics and 2 hours in issues concerning professional boundaries, which shall be applied to the July 1, 2001 through June 30, 2003 biennium.
- d. Taken and completed any additional hours of continuing education required by the Section, for any subsequent bienniums which have passed or begun at the time Respondent seeks recertification.

3. Any request for recertification with proof of obtaining continuing education 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 13th day of June, 2002.

Douglas Knight
Chairperson
Social Worker Section