

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Dennis Arnold Allen, C.I.C.S.W., Respondent, date of birth October 8, 1943, was certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 2979, which was first granted October 18, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 5063, De Pere, WI 54115.
3. Respondent received a masters degree in counseling from the University of Wisconsin-Oshkosh in 1974.

## **COUNT I**

4. Respondent was employed for several years by the Wisconsin Department of Corrections (DOC) as a psychological services associate providing services to inmates. During 1995, Respondent worked first at Green Bay Correctional Institution (GBCI) and later at Oshkosh Correctional Institution (OSCI).
5. Following an investigation, DOC concluded that while employed at OSCI, Respondent had conversations with a number of inmates who were in the Sex Offenders Treatment Program, or considering enrolling in the program, in which Respondent:
  - Made derogatory and defamatory remarks about the Sex Offenders Treatment Program.
  - Made derogatory and defamatory remarks about the Sex Offenders Treatment Program staff.
  - Made derogatory and defamatory remarks about DOC.
  - Impugned the professional credentials, techniques and motives of the Sex Offenders Treatment Program staff.
  - Led inmates to believe that Sex Offenders Treatment Program staff were racially biased and not motivated to act in the best interests of the inmates.
  - Encouraged inmates to leave or not enroll in the Sex Offenders Treatment Program.
6. DOC concluded that Respondent's conversations with the inmates:
  - Did incalculable damage to the Sex Offenders Treatment Program's ability to treat inmates.
  - Undermined the willingness of a very dangerous population of sex offenders to participate in and derive benefit from the program.

## **COUNT II and COUNT III**

7. 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.]
8. 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]

9. 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.

10. 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)

11. 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.

12. In May 2002, the Section requested that the Division of Enforcement (Division) audit Respondent's compliance with the continuing education requirements during the July 1, 1999 through June 30, 2001 biennium. On May 16, 2002, the Division wrote to Respondent requesting him to send 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.

13. On June 6, 2002, Respondent called the Division and stated that he did not have evidence of having completed the required continuing education during 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's conduct at DOC subjects him to discipline pursuant to Wis. Adm. Code § SFC 20.02(22) and § 457.26(2)(h), Stats. [Count I]

4. 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 did not have such evidence, is subject to discipline pursuant to Wis. Adm. Code § SFC 20.02(4) and § 457.26(2)(a), Stats. [Count II]

5. 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. [Count III]

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Dennis Arnold Allen, 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 under the following conditions:

a. Respondent shall provide proof sufficient to the Section that Respondent has met all requirements for that certification which are then required by statute and administrative rule.

b. Respondent shall provide proof sufficient to the Section that Respondent has taken and completed 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 hours Respondent should have obtained during the July 1, 1999 through June 30, 2001 biennium.

c. Respondent shall provide proof sufficient to the Section that Respondent has 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. Respondent shall provide proof sufficient to the Section that Respondent has 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.

e. Respondent shall notify the Division of Enforcement (Division) of the request and the Division shall have the opportunity to apprise the Section of all allegations and information contained in investigative file 96 SOC 013.

f. If the Section believes that it will be of assistance to the Section in responding to Respondent's petition:

i. Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in assessing health care providers who have had difficulties with professional-client boundaries.

ii. The practitioner 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.

iii. Respondent shall provide the Section with the practitioner's written report and provide the Section with the opportunity to discuss the evaluation and findings with the practitioner.

g. Following the presentation of information by the Division and review of any assessment requested by the Section, the Section may in its sole discretion elect to certify Respondent, with or without limitations, or to deny Respondent's petition.

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.

3. Any request for certification with any proof 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 16th day of July, 2002.

Douglas Knight

Chairperson

Social Worker Section