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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 :
 : LS0207192SOC
LAWRENCE A. KANE III, C.I.C.S.W., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Lawrence A. Kane III, C.I.C.S.W.
7170 N. Port Washington Road
Glendale, WI 53217

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. Lawrence A. Kane III, C.I.C.S.W., Respondent, date of birth August 16, 1956, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 3138, which was first granted December 13, 1994.

2. Respondent's last address reported to the Department of Regulation and Licensing is 7170 N. Port Washington Road, Glendale, WI 53217.

3. During the events of this matter, Respondent practiced as an independent clinical social worker for the Wisconsin Community Mental Health Counseling Center, at several locations. Among the offices at which Respondent practiced was one located at W62N556 Washington Avenue in Cedarburg, Wisconsin.

COUNT I

4. Respondent moved into the Cedarburg office in approximately July 2001. The office is located on the second floor of a Victorian style house. Access to the office is by an outside, open, but roofed stairway along the side of the house.

5. Respondent contacted a sign company and orally requested a wooden, painted sign to hang off the stairway in order to advertise that his office was located in the building. Respondent requested that the wording on the sign include "Clinical Psychotherapist."

6. The sign company made and hung the sign at about the time Respondent moved into the office. The sign was the only sign on the outside of the building advertising Respondent's office. The sign company erroneously painted "Certified Psychologist" on the sign, rather than "Clinical Psychotherapist" which Respondent had requested.

7. At the bottom, the sign had a picture of a hand with the forefinger extended pointing toward Respondent's external office door. The remainder of the sign read:

Wisconsin
Community
Mental Health
Counseling Center
Lawrence A. Kane III
Certified Psychologist

8. Respondent is not, and was not at that time, a psychologist.

9. The inappropriate and inaccurate sign hung there for seven months despite the fact that it could be easily reached and was clearly visible and in Respondent's line of sight upon entering and exiting his office.

10. Respondent made no effort to change the sign, or have the sign changed, until he received a letter of February 7, 2002 from the Division of Enforcement asking him to explain the basis for having a sign calling himself a psychologist. Upon receipt of the letter, Respondent immediately asked the sign company to change the sign and by February 11, 2002, the last line of the sign was changed to "Certified Psychotherapist."

11. None of the signs at any of Respondent's several other offices has ever identified Respondent as a psychologist. Respondent has never identified himself as a psychologist on his letterhead.

COUNT II

12. Respondent is not, and never has been, licensed as a psychologist in the state of Wisconsin, pursuant to § 455.04(1), Stats.

13. Pursuant to § 455.02(3m), Stats., Respondent is, and was at that time, prohibited from using the title "psychologist" or any similar title or state or imply that he is licensed to practice psychology in the state of Wisconsin.

14. § 455.02(3m), Stats., is a law the circumstances of which substantially relate to practice under an independent clinical social worker certificate.

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 allowing the sign which erroneously identified him as a psychologist to continue to hang without correction for approximately 7 months, committed unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(5) and is subject to discipline pursuant to §457.26(2)(h), Stats.

4. Respondent, by violating a law, the circumstances of which substantially relate to practice under his independent clinical social worker certificate, committed unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(2) and is subject to discipline pursuant to § 457.26(2)(h), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Lawrence A. Kane III, C.I.C.S.W., is REPRIMANDED for the conduct set out above.

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 15th day of August 2002.

Douglas Knight

Chairperson

Social Worker Section