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STATE OF WISCONSIN

BEFORE THE PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF : ORDER DISCIPLINARY PROCEDINGS : REMOVING AGAINST : LIMITATIONS

CARY A. BACKENGER,

RESPONDENT. : LS9910191CPC

To: Cary A. Backenger 1724 S. Memorial Dr. Appleton, WI 54915

On October 19, 1999, the Professional Counselors Section issued a Final Decision and Order suspending for a period of at least one year the certificate issued to the respondent, Cary A. Backenger, to use the title Certified Professional Counselor in her practice. Ms. Backenger was permitted to petition the section for a termination of the suspension after one year upon certain conditions, including an assessment by a mental health provider. The order contained a provision that the section could terminate the suspension but continue to limit Ms. Backenger's certificate to address any recommendations resulting from the assessment.

The section received a report by Dr. John Gonsiorek of an assessment of Ms. Backenger. Ms. Backenger complied with the conditions during her period of suspension and appeared before the section on September 7, 2000 to support her petition and answer questions. The section determined that the suspension could be terminated on October 19, 2000 but that certain conditions and limitations should be placed on Ms. Backenger's practice for a period of two additional years to protect the health, safety and welfare of the public. Those limitations were

- 1. that "Ms. Backenger shall limit her practice to females, except that she may provide services to males in the context of family therapy and incidental to services provided to female family members."
- 2. that "Ms. Backenger shall arrange for an employment supervisor to prepare reports on a quarterly basis, confirming her compliance with limitation #1 above and reporting any concerns regarding her professional performance."
- 3. that "Ms. Backenger shall complete 12 hours of continuing education dealing with boundary issues and associated ethical issues prior to October 19, 2002."
- 4. that "Ms. Backenger shall continue in psychotherapy with Michael Mussen, Ed.D., or another mental health professional, to address issues discussed in Dr. Mussen's letter to the Department Monitor dated August 23, 2000. Psychotherapy sessions shall be scheduled, and psychotherapy may terminate, as determined by Dr. Mussen or his successor. A copy of the discharge summary shall be provided to the section."

The first and second limitations were to "continue for a period of two years" and to "terminate and be removed from Ms. Backenger's certificate automatically on October 19, 2002, unless prior to that date, the section files a notice of intent to continue the conditions, or a notice of additional disciplinary action against Ms. Backenger." The third condition would expire upon timely satisfaction of the continuing education requirement, and the fourth condition would continue until her psychotherapist discharged her.

The Departmental Monitor has reported that

- 1. There is no evidence that Ms. Backenger failed to limit her practice to females, or to males in the context of family therapy and incidental to services provided to female family members.
- 2. Quarterly reports for Ms. Backenger were received from her employer, noting no concerns regarding her professional performance.
- 3. Ms. Backenger supplied information regarding the required continuing education, which the Section reviewed on July 17, 2002.
- 4. Dr. Mussen provided a copy of the discharge summary for Ms. Backenger on August 2, 2001.

Therefore,

IT IS ORDERED that all limitations and conditions placed on the Professional Counselor License issued to Carey A. Backenger are hereby removed.

Dated November 4, 2002.

Kimberly Nania, Ph.D., Director Bureau of Health Service Professions