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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 :
 : LS0301301SOC
DALE A. LYON, L.C.S.W., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Dale A. Lyon, L.C.S.W.
1231 Meadow Hill Drive
Menomonie, WI 54751

Social Worker Section
Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board
PO 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. Dale A. Lyon, L.C.S.W., Respondent, date of birth July 15, 1944, is licensed by the Social Worker Section as a clinical social worker in the state of Wisconsin pursuant to license number 56, which was first granted August 3, 1993. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as an independent clinical social worker.)

2. Respondent's last address reported to the Department of Regulation and Licensing is 1231 Meadow Hill Drive, Menomonie, WI 54751.

3. Respondent was originally granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160 § 21(2)(d) (non-statutory provisions) based upon his having a master's degree in social work and having engaged in at least two years of full-time supervised clinical social work practice prior to May 1, 1993. For this reason, Respondent did not take the examination otherwise required for certification.

4. From 1985 to 1994, Respondent was employed by the Dunn County Department of Human Services (DCDHS) as an independent clinical social worker. Respondent's duties at DCDHS included performing individual, family and relationship therapy with children, adolescents and adults.

5. During the time he was employed at DCDHS, Respondent also had a clinical private practice, Meadow Hill Mental Health Services, which was located in his home. Since leaving DCDHS in 1994, Respondent has practiced exclusively at Meadow Hill Mental Health Services.

6. Respondent first met Mr. A in December of 1985 as a result of Respondent's wife and Mr. A's second wife belonging to M.O.M.S., a mother's support group. Respondent and Mr. A continued to have limited social contacts during M.O.M.S. activities through 1986.

7. In the second half of 1986, Respondent learned Mr. A was a member of a Vietnam War veterans group. Although Mr. A had never been to Vietnam, he led Respondent to believe that he was a Vietnam War veteran.

8. Respondent had an interest in doing research on post traumatic stress disorder (PTSD). Respondent was considering comparing combat and non-combat related PTSD in Vietnam War veterans with non-combat related PTSD in individuals who had not been in the military. The potential research was in the hypothesis formulating phase.

9. Respondent asked Mr. A if members of the veterans group would be willing to discuss with him their war experiences and participate in a research group. Mr. A said he would participate in research and invited Respondent to a meeting of the veterans so Respondent could explain his intended research. Several members of the group said they had been diagnosed with PTSD. In addition to Mr. A, several other veterans also volunteered to participate in Respondent's research group. Beginning in the winter of 1986 and ending sometime in 1989, Respondent met with the veterans on occasion, during which meetings Respondent:

- a. Discussed with the veterans their combat experiences.
- b. When required by the traumatic nature of the material being discussed, provided treatment, without charge, to the veteran.
- c. Did not have the group members complete any tests, forms, or questionnaires.
- d. Did not maintain any records.
- e. Participated in various social gatherings of the veterans group and accompanied them on at least one of their annual canoe trips.

11. Subsequently, while employed at DCDHS, Respondent provided Mr. A and his second spouse with marriage counseling on six occasions between May 1, 1992 and July 10, 1992.

12. Later in 1992, Mr. A's former first wife brought a post-judgment motion to increase child support. Mr. A asked Respondent to provide a letter on his behalf. Respondent provided a letter to Mr. A's attorney for use in the proceeding. The letter was provided to the Family Court Commissioner as a report. In the letter, Respondent:

- a. Said Mr. A served with the Special Forces during the Vietnam War.
- b. Suggested that Mr. A suffered from PTSD as a result of his military experiences.
- c. Stated: "I have known [Mr. A] for the past six years. During that time he has consulted me when the symptoms associated with his Post Traumatic Stress Disorder began to tell him he had reached his limit. These consultations over the years have made it possible to observe [Mr. A] during periods of stress."
- d. Rendered his opinions:

"If [Mr. A] is asked to increase his obligations any further, it will make it even more impossible for him to meet his existing obligations. A further increase would jeopardize his health, his employment, and his ability to parent.

[Mr. A]'s psychological integrity depends on this ability to perform his duty and meet his obligations. Any significant increase in stress or obligations would push him beyond his limit as it has in the past."

13. The language of the letter was misleading because it:

- a. Incorrectly suggested Respondent was providing mental health care to Mr. A.
- b. Incorrectly suggested that Respondent had evaluated Mr. A and diagnosed him to have PTSD.
- c. Neither disclosed the actual nature of his relationship with Mr. A nor that his knowledge of Mr. A and the basis for his opinions came primarily from a non-professional relationship.

14. At a September 18, 1992 post-judgment hearing on the child support issue, Respondent appeared by telephone and:

- a. Testified that Mr. A suffered from PTSD and that he had been treating Mr. A for approximately six years, averaging 2-3 sessions per week when Mr. A's stress increased.
- b. Expressed his opinion that Mr. A could not meet child support payments because of the Vietnam-induced PTSD problems.

15. Respondent's testimony was misleading because:

- a. Over the previous six years the only formal treatment he had provided to Mr. A was the six sessions of marital counseling during the period May through July 1992.
- b. It suggested that his opinion was based on a professional relationship with Mr. A and an evaluation and diagnosis of Mr. A's condition.

16. After Respondent testified, Mr. A's former first wife testified that Mr. A had been in a weekend reserve unit of the National Guard and had neither served in Vietnam nor experienced combat. Mr. A then admitted to the court that he had lied to his attorney and to

Respondent about being a Vietnam veteran.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to §457.26(2), Stats.

2. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has authority to enter into this stipulated resolution of this matter pursuant to §227.44(5), Stats.

3. Respondent, by reporting misleading information in practice, has committed unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(7), and is subject to discipline pursuant to §457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Respondent, Dale A. Lyon, L.C.S.W., is hereby REPRIMANDED for the above conduct.

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 30th day of January, 2003.

George Kamps

Chairperson

Social Worker Section

