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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

: LS0301301SOC

ELTON LOUIS, L.C.S.W., :

RESPONDENT. :

FINAL DECISION AND ORDER

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

Elton Louis, L.C.S.W.

3009 N. 11th Street
Wausau, WI 54403

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
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. Elton Louis, L.C.S.W., Respondent, date of birth February 12, 1937, is licensed by the Social Worker Section as a clinical social worker in the State of Wisconsin pursuant to license number 47, 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 3009 N. 11th Street, Wausau, WI, 54403.

3. From August 1998 until June 2, 2000, Respondent was employed as an independent clinical social worker at the Stockbridge-Munsee Health Center in Bowler, Wisconsin.

4. The Stockbridge-Munsee Health Center is an outpatient psychotherapy clinic certified by the State of Wisconsin pursuant to Wis. Adm. Code §§ HFS 61.94 and 61.97.

5. Wis. Adm. Code § HFS 61.97 requires that the following records be made and kept by certified outpatient psychotherapy clinics:

- "(11) An initial assessment must be performed by staff to establish a diagnosis on which a preliminary treatment plan is based which shall include but is not limited to:
 - (a) The patient's presenting problems with the onset and course of symptoms, past treatment response, and current manifestation of the presenting problems;
 - (b) Preliminary diagnosis;
 - (c) Personal and medical history.
- (12) A treatment plan shall be developed with the patient upon completion of the diagnosis and evaluation.
- (13) Progress notes shall be written in the patient's clinical record.
 - (a) The notes shall contain status and activity information about the patient that relates to the treatment plan.
 - (b) Progress notes are to be completed and signed by the therapist performing the therapy session.
- (14) A discharge summary containing a synopsis of treatment given, progress and reasons for discharge shall be written in the patient's clinical record when services are terminated."

6. As part of his job duties as an independent clinical social worker, Respondent was to make and maintain client records, including treatment plans and contemporaneous records of contacts with clients. It was also part of Respondent's duties to ensure that necessary signatures were obtained on appropriate records.

7. For a period of time prior to and during February 2000, Respondent did not make and maintain all client records as required.

8. On February 7, 2000, Respondent's supervising psychologist sent Respondent a memo which said:

"As we have discussed, there are many deficiencies in your clinical chart that need attention. With the upcoming state survey it is imperative that the charts be in compliance with the state requirements. I ask that you prepare all clinical charts for my review and signature for my next scheduled day on February 22, 2000."

9. By March 13, 2000, Respondent's employer noted that Respondent had not completed all of the record keeping. Respondent contended that he had completed all of the back records except for obtaining some required client signatures, because they were no longer clients or had moved from the area.

10. Following March 13, 2000 to the end of Respondent's employment on June 2, 2000, Respondent's record keeping was appropriate and was reviewed by his supervising psychologist.

11. On September 12, 2002, Respondent took and completed at Mosinee, Wisconsin, *Advanced Ethics & Boundaries*, a program sponsored by the National Association of Social Workers Wisconsin Chapter, for which he was awarded 5 continuing education hours.

CONCLUSIONS OF LAW

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

3. Respondent, by the conduct set out above, failed to maintain adequate records relating to services provided to clients in the course of a professional relationship, as required by Wis. Adm. Code § SFC 20.02(18), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Elton Louis, L.C.S.W., is REPRIMANDED for the conduct set out above.

2. Respondent shall, within one hundred twenty (120) days of the date of this Order, take and complete a day long course or courses on the subjects of record keeping and ethics, which course(s) shall first be approved by the Section or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

3. The five continuing education hours Respondent received for attending *Advanced Ethics & Boundaries*, set out in Finding of Fact 11, above, are approved and shall be applied to the requirements of the preceding paragraph. Respondent must obtain 3 more continuing education credits on the subjects of record keeping and ethics to complete the requirements of the preceding paragraph.

4. Respondent is prohibited from applying any of the hours completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the July 1, 2001 through June 30, 2003 registration biennium.

5. If Respondent is unable to take or complete the course or courses required by the preceding paragraph within 120 days because of illness or other circumstances acceptable to the Section or its designee, Respondent shall, within six months of the date of this Order, take and complete the required course or courses, which shall first be approved by the Section or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

6. Requests for approval of educational programs and notification of completion of educational programs 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

7. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a clinical social worker in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Section may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board 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