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

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

 : LS0304232SOC

KRISTINE SINGLETON NUTTER, :

 : RESPONDENT.

FINAL DECISION AND ORDER

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

Kristine Singleton Nutter
1406 E. 7th Street
Merrill, WI 54452

Social Worker Section

Wisconsin Marriage and Family Therapy,
Professional Counseling, and Social Work Examining Board
P.O. 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 of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. 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. Kristine Singleton Nutter, Respondent, date of birth June 14, 1949, was certified by the Social Worker Section as an independent clinical social worker in the State of Wisconsin pursuant to certificate number 942, which was first granted on September 1, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1406 E. 7th Street, Merrill, WI 54452.
3. Respondent received a master's degree in social work (MSW) from St. Louis University, St. Louis, MO on January 13, 1978.
4. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(d), based upon her having a master's degree in social work and having engaged in at least two years of full-time supervised clinical social work practice. For this reason, Respondent did not take the examination otherwise required for certification.
5. Respondent's certificate expired effective July 1, 1997. On October 12, 1997, Respondent's application for renewal of her certificate was denied based on an unpaid tax delinquency. To this date, Respondent owes delinquent taxes and is ineligible to renew her certificate.
6. The non-statutory language of Wisconsin Act 80 provides that the Section shall grant a clinical social worker license under section 457.08 (4) of the statutes to any person who holds a valid independent clinical social worker certificate that was granted by the social worker section of the examining board before November 1, 2002.

COUNT I (Unlicensed Practice of Psychology)

7. Since October 1, 1996, individuals are prohibited from engaging in the practice of psychology unless the person has a license issued by the Psychology Examining Board or the person fits within one of the specified exceptions. [§ 455.02(1m) and (2m), Stats.]
8. "Practice of psychology" is defined by § 455.01(5), Stats., as:

“[R]endering to any person for a fee a psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing, counseling, psychotherapy, psychoanalysis and biofeedback; and the methods and procedures of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation. The application of these principles and methods includes, but is not restricted to, all of the following:

- (a) Psychological diagnosis, prevention and treatment of problems in behavioral, vocational, educational, emotional, sexual, neuropsychological and mental disorders.
- (b) Treatment for alcohol and other substance abuse, disorders of habit and conduct, and the psychological and behavioral aspects of physical illness, accident or other disabilities.”

9. One statutory exception allowed certified independent clinical social workers, and now allows licensed clinical social workers, to practice psychotherapy. [§ 455.02(2m)(a), Stats.]

10. There was no other applicable statutory exception which allowed Respondent to engage in the practice of psychology without a license after the expiration of her certification as an independent clinical social worker on July 1, 1997.

11. After October 12, 1997 and shortly before December 1999, Respondent received training for treatment of children with attachment disorders and for a fee, provided several families with post-intensive follow-up treatment in Wisconsin.

12. From December 23, 1999 to at least mid-2001, for a fee, Respondent provided psychotherapy services to Child A, who Respondent determined came from an abusive household and who Respondent diagnosed as having PTSD and reactive attachment disorder (RAD) with features of attachment disorder.

13. From November 6, 2000 to at least mid-2001, for a fee, Respondent provided psychotherapy services to Child B (Child A's older sibling). Respondent saw Child B primarily as a collateral client with Child A for issues of attachment, sibling relationships and treatment for PTSD.

14. On June 22, 2001, Marathon County Department of Social Services (MCDSS) received a referral of suspected sexual abuse of Child A and Child B from Respondent. In her follow-up letter to MCDSS, Respondent stated "I am a therapist who specializes in working with children with attachment disorders and PTSD." In the letter, Respondent identified herself as Kristine Singleton, MSW, at Kreative Soulutions Counseling, 305 Liberty, Merrill, WI 54452 and 725 S. Main, Marion, WI 54950.

15. From April 2002 to August 2002, for a fee, Respondent provided psychotherapy services to three children, TD (DOB 5/7/92), DK (DOB 7/23/93) and SK (DOB 8/23/94), who were residing in a State licensed pre-adoptive foster home in Hancock, Wisconsin. Treatment included intensive therapy for issues of attachment and post-traumatic stress disorder, as well as aftercare counseling.

16. Respondent provided psychotherapy services to the children on these dates in 2002:

April: 5, 12, 17, 26

May: 3, 14, 23

June: 7, 12, 25

July: 2, 19, 26

August: 1, 7

17. Respondent also provided supportive psychotherapy, for a fee, to the foster parents of the three children.

18. The treatment Respondent provided to the families, Child A, Child B, TD, DK, SK and their foster parents constituted the practice of psychology without a license in violation of § 455.02(1m), Stats.

19. § 455.02(1m), Stats., is a law the circumstances of which substantially relate to practice as a certified independent clinical social worker.

COUNT II (Failure to Keep Treatment Records)

20. Respondent told a representative of MCDSS that she did not maintain records of her treatment sessions with Child A or Child B, referred to in paragraphs 12 through 14, above.

21. On September 4, 2002, Fond du Lac County Department of Social Services (FCDSS) made a properly authorized request of Respondent for all records of her therapy, treatment plans and recommendations regarding TD, DK and SK, the three children referred to in paragraphs 15 through 18, above.

22. In response to this request, Respondent provided only a narrative summary of her treatment of the children and a billing document which listed the dates of service. Respondent did not provide copies of any written records regarding the therapy she provided to the children.

23. In a telephone conversation with a FCDSS social worker regarding the children's treatment records, the children's foster mother stated that Respondent did not keep any written records because "she has a photographic memory."

24. Respondent failed to maintain adequate records relating to the services she provided to her clients in the course of the professional relationship.

COUNT III (Dual Relationship)

25. Respondent provided professional services, including psychotherapy, to Ms. X from 1982 through 1991 and again from March 16, 1999 to November 30, 1999.

26. Ms. X received \$11,000 in settlement of a personal injury claim resulting from an automobile accident. Ms. X was going through a divorce and "felt safer with the money out of my immediate enviroment (sic)."

27. In August of 1999, Ms. X gave Respondent a \$3,000 cashier's check and \$8,000 in cash which Respondent agreed to maintain for safe keeping and disperse to Ms. X as she needed it. Respondent and Ms. X did not prepare any document setting out the terms of Respondent's stewardship of the money.

28. Respondent kept Ms. X's \$11,000 under the bed in Respondent's bedroom in a metal lock box. The

key to the lockbox was hidden in a dresser in the same bedroom. This was not a safe manner of keeping thousands of dollars.

29. Respondent dispersed money to Ms. X as she requested it and in mid-October of 1999, still had approximately \$4,000 of Ms. X's money in the lockbox. On October 15, 1999, Respondent noticed that Ms. X's money was missing from the lockbox. Respondent contends that she does not know who took Ms. X's money without her permission.

30. In early February 2000, Respondent wrote to Ms. X. In the letter, she said:

a. "I will be willing to continue providing counseling for you – free of charge – of course."

b. She had several concerns which needed to be resolved before counseling could begin again, including resolving the issue of the stolen money and Ms. X's anger toward Respondent's son, who Ms. X blamed for the theft.

c. Many personal things about her own life, which went beyond acceptable self disclosure.

d. "Call me for an appointment – if you still feel that I can help you."

31. Respondent was unable to repay Ms. X her money and on August 24, 2001, Ms. X recovered judgment against Respondent in Waupaca County Circuit Court in the amount of \$4,000 plus costs and interest. Respondent has not paid the judgment and told Ms. X's attorney that she would file bankruptcy to discharge the debt.

32. Respondent failed to avoid a dual relationship or a relationship with Ms. X that impaired Respondent's objectivity and created a conflict of interest.

COUNT IV (Gross Negligence)

33. Respondent was grossly negligent in the manner she accepted possession of Ms. X's money and retained possession of the money in an unsafe manner.

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 of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by engaging in the practice of psychology without a license to do so, has violated § 455.02(1m), Stats., a law the circumstances of which substantially relate to practice under her credential, which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(2) [formerly SFC 20.02(2)], and is subject to discipline pursuant to § 457.26(2)(f), Stats. [COUNT I]

4. Respondent, by failing to maintain adequate records relating to services provided a client, committed unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(8) [formerly SFC 20.02(8)], and is subject to discipline pursuant to § 457.26(2)(f), Stats. [COUNT II]

5. Respondent, by engaging in the conduct regarding Ms. X's money, has failed to avoid a dual relationship or a relationship that impaired Respondent's objectivity and created a conflict of interest which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(13) [formerly SFC 20.02(13)], and is subject to discipline pursuant to § 457.26(2)(f), Stats. [COUNT III]

6. Respondent, by engaging in the conduct regarding Ms. X's money, has committed gross negligence in practice which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(22) [formerly SFC 20.02(22)], and is subject to discipline pursuant to § 457.26(2)(f), Stats. [COUNT IV]

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the surrender by Kristine Singleton Nutter, Respondent, of her right to renew her certificate as an independent clinical social worker and any right she may have to be granted a license as a clinical social worker in the state of Wisconsin is hereby accepted, effective immediately.

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 24th day of April, 2003.

George J. Kamps, LCSW

Chairperson

Social Worker Section