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

In the Matter of the Application for Licensure as a Clinical
Social Worker of
MICHELLE Y. DOHLBY,
Applicant.

FINAL DECISION
(Class 1 Proceeding)

PARTIES

The parties in this matter under sec. 227.44, Stats. and ch. RL 1.04, Wis. Admin. Code, and for purposes of review under sec. 227.53, Stats., are:

Michelle Y. Dohlby
1910 Rustic Way
Waukesha, WI 53186

Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
1400 East Washington Avenue
Madison, WI 53703

The Social Worker Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, having held a hearing on the application for licensure as a Clinical Social Worker for Michelle Y. Dohlby, and having considered the entire record in the matter, makes the following Findings of Fact, Conclusions of Law, and Order.

PROCEDURAL HISTORY

By application dated November 9, 2004, Michelle Y. Dohlby applied for a license to practice as a licensed clinical social worker in the State of Wisconsin pursuant to s. 457.08, Wis. Stats., and s. MPSW 3.09, Wis. Admin. Code. The Social Work Section reviewed her application at its meeting on May 4, 2005, and determined that it should be denied. A Notice of Denial was sent to Ms. Dohlby on or about May 10, 2005.

Ms. Dohlby requested a hearing on the denial, which was held on August 3, 2005. Ms. Dohlby appeared in person at the hearing, *pro se*.

FINDINGS OF FACT

1. Michelle Dohlby applied for license as a Clinical Social Worker on November 9, 2004.
2. Applicants for licensure as Clinical Social Workers must complete a master's or doctoral degree in social work, including the completion of a supervised clinical field placement. They must also complete 3000 hours of post-graduate clinical social work practice that includes DSM diagnosis and treatment of individuals.
3. Ms. Dohlby did not complete a supervised clinical field placement that was in a primary clinical setting, nor did she complete a post-graduate clinical social work practice that included DSM diagnosis and treatment of individuals.
4. Ms. Dohlby's field placement during her degree program was in an elementary school setting in Illinois. Her post-graduate clinical social work practice has been with the Oak Lawn School District in Illinois.
5. A school district is not a primary clinical setting. A post-graduate clinical social work practice limited to school-based social work does not sufficiently incorporate DSM diagnosis and the treatment of individuals.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is the legal authority responsible for issuing licenses for Clinical Social Workers, under section 15.405 and chapter 457, Wis. Stats.
2. Section s. 227.01 (3) (a), Wis. Stats., places the burden on the applicant to prove that the credential-granting authority did not properly exercise its discretion in denying the application.
3. The applicant, Michelle Y. Dohlby, has not successfully shown that she completed the requirements established under s. 457.08 (4), Wis. Stats., and s. 3.09, Wis. Admin. Code, for licensure as a Clinical Social Worker.

ANALYSIS

Michelle Dohlby's application was reviewed by the Social Worker Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board following its initial decision to deny her licensure as a Clinical Social Worker. Section 227.01 (3) (a) of the Wisconsin Statutes defines an agency's grant or denial of a license as a Class 1 proceeding. An applicant who challenges that proceeding bears the burden of showing that such action was an abuse of discretion in that the agency either failed fairly to consider the facts before it or misapplied the applicable law. Ms. Dohlby did not demonstrate that the Section's initial denial was either wrong or an abuse of discretion. Consequently, the denial of her application for a licensed clinical social worker is affirmed.

ORDER

NOW, THEREFORE, IT IS ORDERED that the application for licensure as a Clinical Social Worker of applicant Michelle Dohlby shall be and hereby is **DENIED**.

APPEAL INFORMATION

The applicant's right to request rehearing and for judicial review is set forth in the enclosed "Notice of Appeal Information". Dated at Madison, Wisconsin, this 9th day of August 2005.

Jeff Scanlan, Director
Bureau of Health Services Professions, designated representative of the
Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board

Enclosure