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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	:	
	:	FINAL DECISION AND ORDER
DIANNE M. PHILLIPS, L.C.S.W.,	:	LS0503302SOC
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Dianne M. Phillips, L.C.S.W.
155 Vande Hei Road
Green Bay, WI 54301

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935

Social Worker Section
Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. Dianne M. Phillips, L.C.S.W., Respondent, date of birth February 2, 1955, is licensed by the Social Worker Section as a clinical social worker in the state of Wisconsin pursuant to license number 1869, which was first granted November 24, 1993. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as an independent clinical social worker.)
2. Respondent received a masters degree in social work from the University of Wisconsin-Madison on August 1 1982. Respondent was granted certification pursuant to the grand-parenting provisions of 1991 Act 160, § 21(2)(d), based upon her having a masters degree in social work. For this reason, Respondent did not take the examination otherwise required for certification.
3. Respondent's last address reported to the Department of Regulation and Licensing is 155 Vande Hei Road Green Bay, WI 54301.

4. From November 1999 until her resignation on September 17, 2003, Respondent was employed as a clinical social worker at the American Foundation of Counseling Services (AFCS) in Green Bay, Wisconsin. Respondent worked as an outpatient psychotherapist and as a Treatment Foster Care Program Manager.

5. From approximately February 2002 until September 2003, Respondent forged at least 35 prescriptions for Adderall®, a brand of medication which contains dextroamphetamine and amphetamine and is a Schedule II controlled substance. Respondent took blank prescription pads at AFCS and, without the consent of the AFCS staff psychiatrist and nurse-prescriber, signed their names as the prescribing practitioners. Respondent presented the forged prescriptions at various pharmacies and obtained and consumed the Adderall.

6. Wis. Stat. § 961.41(3g), which prohibits possession of controlled substances without a valid order or prescription of a practitioner, is a law the circumstances of which relate to practice under Respondent's license.

7. At a meeting on September 12, 2003, the Executive and Associate Directors of AFCS informed Respondent they were investigating allegations that she had forged prescriptions and suspended her employment pending completion of the investigation. On September 17, 2003, Respondent resigned her position at AFCS, citing health reasons. Respondent has not worked as a social worker since that time.

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 Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining and possessing controlled substances without a valid practitioner's order, has violated the law the circumstances of which relate to practice under her license, and has committed unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

3. Respondent, by forging prescriptions using her employer's prescription pads, has made false statements in practice which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(7) and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Dianne M. Phillips, L.C.S.W., Respondent, of her license as a clinical social worker in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. If Respondent shall ever apply for any credential from the Wisconsin Social Worker Section:

a. She shall be required to meet all requirements for that credential which are then required by statute and administrative rule, prior to being credentialed.

b. She shall provide proof sufficient to the Section that she does not suffer from any alcohol or drug related condition or other psychological condition which impairs her ability to function as a social worker.

c. The decision whether to grant Respondent a credential, with or without limitations, shall be in the sole discretion of the Section.

3. Respondent shall, within 90 days of the date of this Order, pay the costs of this proceeding in the amount of \$550.00, pursuant to Wis. Stat. § 440.22(2). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board

By: George Kamps
A Member of the Section

3-30-05
Date