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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
LAWRENCE A. KANE III, L.P.C., : LS# 0508024CPC
RESPONDENT. :

[Division of Enforcement Case # 02 CPC 021]

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

Lawrence A. Kane III, L.P.C.
7170 N. Port Washington Road
Glendale, WI 53217

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

Professional Counselor Section
Wisconsin Marriage and Family Therapy,
Professional Counseling, and Social Work Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
PO 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 in this matter, subject to the approval of the Professional Counselor 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. Lawrence A. Kane III, L.P.C., Respondent, date of birth August 16, 1956, is licensed by the Professional Counselor Section as a professional counselor in the State of Wisconsin pursuant to certificate number 1529, which was first granted September 23, 1994. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.)

2. Respondent's last address reported to the Department of Regulation and Licensing is 7170 N. Port Washington Road, Glendale, WI 53217.

3. During the events of this matter, Respondent practiced as a professional counselor at Wisconsin Community Mental Health Counseling Centers, Inc., in Mequon, Wisconsin.

4. Mr. A and Ms. B, a married couple, separated following a domestic altercation in August 2000. On August 25, 2000, Ms. B filed for divorce from Mr. A. Their daughter was born October 8, 2000.

a. In April and May of 2001, Dr. Emiley, a clinical psychologist, conducted complete psychological evaluations of Mr. A and Ms. B for the purpose of determining custody and physical placement of their child. In his May 23, 2001 report, the psychologist recommended, among other things:

Ms. B should have primary physical placement of the child and primary decision making.

Mr. A should not initially have visitation of the child.

Mr. A should have outpatient psychotherapy to help alleviate depression, improve impulse controls and social judgment skills, and to enable him to deal more realistically with his relationship with Ms. B and the

responsibilities of parenting.

Mr. A might have closely monitored and supervised visitation, if he:

- Completed anger management training.
- Completed parenting and nurturing classes.
- Showed evidence of constructive involvement in personal psychotherapy.

Mr. A's therapist should monitor Mr. A to determine if his condition required medication.

Ms. B should have supportive counseling to assist her in dealing with dynamics realistically and effectively, at her discretion and as needed.

b. The divorce hearing was held on September 12, 2001, at which time the judge granted the divorce. Pursuant to the terms of the Marital Settlement Agreement and the Judgement of Divorce:

Ms. B was granted sole legal custody of their child. Ms. B was designated as the primary caretaker and was awarded primary physical placement of the child.

Mr. A was granted supervised placement at a frequency of once every two weeks, to commence at such time as Dr. Emiley and the Guardian Ad Litem determined that Mr. A had complied sufficiently with the recommendations for participation in parenting classes and anger management classes.

c. On December 11, 2001, a hearing was held and it was determined that supervised visitation would begin upon Mr. A providing proof he had complied with all recommendations.

5. Mr. A's attorney referred him to Respondent to meet the ordered recommendations. Respondent had eight psychotherapy sessions with Mr. A, from February 6 to June 1, 2002. Mr. A completed 6 hours of instruction with the Star Parenting Class Program on February 11, 2002. In addition, Respondent had Mr. A take Anger Management Skill Building at his clinic, which Mr. A completed on May 1, 2002.

6. Mr. A's attorney provided Respondent with copies of Dr. Emiley's May 23, 2001 evaluation report, records of treatment of Mr. A by a prior therapist and other documents and requested that Respondent write a letter to the family court supporting Mr. A's request for unsupervised visitation of the child.

7. On June 22, 2002, Respondent wrote and sent a letter addressed to Mr. A's attorney and the court. In that letter, Respondent summarized his treatment of Mr. A and recommended that Mr. A be granted unsupervised visitation with his child. The letter also referred to Ms. B, as follows:

"It appears that everyone reacted to her obvious Borderline Personality deficits. My feeling is that it is she that is in need of intensive counseling and most likely will need therapy when [the child] begins to see her father." (emphasis added)

8. Respondent had never seen or spoken to Ms. B, but that was not mentioned in the letter. Ms. B had never been diagnosed, by any evaluating or treating mental health care practitioner, as suffering from Borderline Personality Disorder or having borderline traits or characteristics. Respondent had reviewed Dr. Emiley's report, which was based on psychological testing and a clinical interview of Ms. B and which did not reach the conclusions expressed by Respondent in his letter. Respondent lacked a sufficient basis to make the comments regarding Ms. B in a letter to the court.

Prior Discipline

9. On August 15, 2002, Respondent was Reprimanded by the Section for violating Wis. Adm. Code § SFC 20.02(2) & (5), by allowing a sign erroneously identifying him as a psychologist to hang outside his office without correction for approximately 7 months.

CONCLUSIONS OF LAW

1. The Professional Counselor 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 of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the above conduct, has violated Wis. Adm. Code § MPSW 20.02, and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Lawrence A. Kane III, L.P.C., is REPRIMANDED for the conduct set out above.

2. Within 6 months of the date of this Order, Respondent shall take and complete 6 hours of continuing education on the subject of professional counselors' legal and ethical obligations, which course or courses shall first be approved by the Section, or its designee.

These credits shall be in addition to the continuing education required for renewal of licensure for the following biennium, by Wis. Adm. Code § MPSW 14.03, and shall not be applied toward meeting that requirement.

3. If Respondent is unable to complete the continuing education described in the preceding paragraph within 6 months of the date of this Order, Respondent shall, within that period of time, petition the Section, or its designee, for a reasonable extension of time within which to take and complete such continuing education. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Section or its designee.

4. Respondent shall provide proof sufficient to the Section of Respondent's satisfactory completion of the continuing education within 30 days of completion.

5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$800.00, pursuant to Wis. Stat. § 440.22(2).

6. All payments, requests and evidence of completion of the education required by this Order 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
Telephone: (608) 267-3817

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

8. This Order is effective on the date it is signed.

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

By: Susan M. Putra
A Member of the Section

August 2, 2005
Date