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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
Katherine Koenig,
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:

Katherine Koenig
604 E. Lake View Avenue
Whitefish Bay, WI 53217

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 Katherine Koenig, 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 October 9, 2006, Katherine Koenig 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 October 31, 2006, and determined that it should be denied. A Notice of Intent to Deny was sent to Ms. Koenig on or about November 2, 2006.

In response, Ms. Koenig requested a hearing on the Intent to Deny. A hearing was held on January 31, 2007. Ms. Koenig appeared in person, *pro se*.

FINDINGS OF FACT

1. Katherine Koenig applied for a license as a Clinical Social Worker on October 9, 2006.
2. Applicants for licensure as Clinical Social Workers must complete 3000 hours of post-graduate clinical social work practice in no less than 2 years, including at least 1000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals.
3. Ms. Koenig did not complete a sufficient number of post-graduate clinical social work hours that included DSM diagnosis and treatment of individuals.
4. Ms. Koenig's post-graduate clinical social work practice has been with the NEAS, Inc. and with Stress Management and Mental Health Clinics (Stress Management).
5. Ms. Koenig's post-graduate clinical social work practice with the NEAS, Inc. did not sufficiently incorporate DSM diagnosis and the treatment of individuals as required and therefore are not clinical hours that may be counted towards her 3000 hour requirement.

6. The hours Ms. Koenig has earned while working at Stress Management are clinical in nature and may be counted towards her hourly clinical practice requirement. To date, she has not earned a sufficient number of clinical practice hours at Stress Management to be granted a clinical social worker license.

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 s. 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, Katherine Koenig, 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

The Social Worker Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section) issued Katherine Koenig a Notice of Intent to Deny following its review of her application for licensure as a Clinical Social Worker. Thereafter, Ms. Koenig made a timely request for a hearing regarding the Section's Notice of Intent to Deny. 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. Koenig 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.

However, the Section concluded that if Ms. Koenig continues to work at Stress Management in her current capacity, she will be eligible for a license as a clinical social worker once she has accumulated the requisite number of hours there.

ORDER

NOW, THEREFORE, IT IS ORDERED that the application for licensure as a Clinical Social Worker of applicant Katherine Koenig 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 6th day of February 2007.

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

Enclosure