

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ANTHONY SCOTT PHILLIPS, L.M.F.T.,	:	LS0701291MFT
RESPONDENT.	:	

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[Division of Enforcement Case # 06 MFT 001]

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

Anthony Scott Phillips, L.M.F.T.  
304 Hewitt Street  
Eau Claire, WI 54703

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

Marriage & Family Therapist 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 in this matter, subject to the approval of the Marriage & Family Therapist 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. Anthony Scott Phillips, L.M.F.T., Respondent, date of birth October 27, 1971, is licensed by the Marriage & Family Therapist Section as a marriage & family therapist in the state of Wisconsin pursuant to license number 580, which was first granted September 20, 1999. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a marriage & family therapist.)

2. Respondent's most recent address on file with the Department of Regulation and Licensing is 304 Hewitt Street, Eau Claire, WI 54703.

3. Respondent was employed in the Behavioral Health Department at Midelfort Clinic in Eau Claire, Wisconsin. Ms. A (DOB 2/25/70) was referred to Respondent by her psychiatrist for psychotherapy in approximately January 2004.

4. Later in 2004, Respondent referred Ms. A to another therapist for Eye Movement Desensitization and Reprocessing (EMDR). Ms. A did not receive services from Respondent while she was seeing the other therapist. In June 2005, Ms. A returned to Respondent for psychotherapy services. Respondent and Ms. A began discussing Respondent's personal issues, including his family and marital problems.

5. On October 11, 2005, Ms. A saw Respondent for an emergency appointment. During that session, Respondent and Ms. A hugged and Respondent kissed her on the lips three times. Ms. A did not object to Respondent kissing her. Respondent touched her body with his hands, but they did not have sexual contact.

6. On November 6, 2005, Respondent called Ms. A during the evening and asked if he could come to her home.

Ms. A agreed he could do so. Respondent came to her home and stayed for about one and one half hours. During that time, Respondent and Ms. A engaged in sexual contact, which did not include sexual intercourse, oral sex or orgasm.

7. Following November 6, 2005, scheduled sessions were cancelled and the psychotherapy relationship ended. Respondent and Ms. A continued to have regular telephone contact.

8. On January 12, 2006, Ms. A reported to her neurologist that she was in love with, and having a relationship with Respondent. As a result, on January 13, 2006, Respondent's employer began an investigation. Respondent acknowledged having an "emotional affair" with Ms. A and that he violated an ethical boundary. Respondent contended therapy was terminated on November 2, 2005, the relationship occurred after that date and there was no sexual involvement or physical contact. On January 20, 2006, Respondent was terminated from his employment due to his having an inappropriate relationship with a female patient.

### CONCLUSIONS OF LAW

1. The Marriage & Family Therapist 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 engaging in the conduct set out above, violated Wis. Admin. Code § MPSW 20.02(11) & (13) and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Anthony Scott Phillips, L.M.F.T., of his license as a marriage and family therapist in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent may seek licensure from the Marriage and Family Therapist Section after two years from the date of this Order, under the following terms and conditions:

a. Respondent shall meet all of the statutory and rule requirements for licensure in effect at the time of application.

b. Respondent shall have paid to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$950.00 pursuant to Wis. Stat. § 440.22(2)

c. Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in assessing health care providers who have become involved sexually with patients or clients.

d. The practitioner performing the assessment shall not have treated Respondent and prior to the assessment being performed, must be approved by the Section or its designee, with an opportunity for the Division of Enforcement to make its recommendation.

e. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of clients and public.

f. If the Section determines to grant Respondent's application for license, Respondent's license shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the supervisor.

3. If Respondent believes that the Section's refusal to grant his application for a license is inappropriate or that any limitation imposed or maintained by the Section under paragraph 2f is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the

Section's decision is arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Any requests, notices, proof or payments shall be mailed 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

5. This Order is effective on the date of its signing.

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

By: Abe Rabinowitz  
A Member of the Section

1/29/07  
Date

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

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ANTHONY SCOTT PHILLIPS, L.M.F.T.,	:	LS _____ MFT
RESPONDENT.	:	

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[Division of Enforcement Case # 06 MFT 001]

It is hereby stipulated and agreed, by and between Anthony Scott Phillips, L.M.F.T., Respondent; Harry R. Hertel o Hertel & Gibbs, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (file 06 MFT 001). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent neither admits nor denies the allegations in this matter but agrees to the adoption of the attached Final Decision and Order by the Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section’s Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent’s current wall and wallet registration certificates. If the Section does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Section’s decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as a case advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or his attorney for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section’s deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Section adopt this Stipulation, the Section’s Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. Respondent is further informed that should the Board adopt this Stipulation, the Board’s Final Decision and

Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

10. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
Anthony Scott Phillips, L.M.F.T.  
Respondent  
304 Hewitt Street  
Eau Claire, WI 54703

\_\_\_\_\_  
Date

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Harry R. Hertel  
Hertel & Gibbs, S.C.  
Attorneys for Respondent  
4330 Golf Terrace, Suite 108  
Eau Claire, WI 54701

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date