

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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
WILLIAM DANIEL SCHACHT, L.C.S.W., : LS0909232SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 024]

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

William Daniel Schacht, L.C.S.W.
7418 N. Tichigan Road
Waterford, WI 53185

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 in this matter, subject to the approval of the Social Worker Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. William Daniel Schacht, L.C.S.W., Respondent, date of birth May 19, 1952, is licensed by the Social Worker Section as a clinical social worker in the state of Wisconsin pursuant to license number 3207, which was first granted January 18, 1995.

2. Respondent's last address reported to the Department of Regulation and Licensing is 7418 N. Tichigan Road, Waterford, WI 53185.

3. In March 2005, Mr. A sought treatment from Respondent. Respondent noted that Mr. A's discovery that Ms. B, his live-in girlfriend, was having a sexual relationship with another man was the primary stressor for Mr. A's depression, anxiety, confusion and obsessive thought. Respondent diagnosed Mr. A with adjustment disorder with depressive and anxiety features. He noted Mr. A had anger towards Ms. B's lover and presented with "remarkable obsessive thought regarding [Ms. B]." The treatment plan was for individual psychotherapy and possible couples therapy "to resolve relationship with this woman and determine future direction for their relationship."

4. Mr. A returned for therapy on March 11 and 14. Respondent suggested that Ms. B attend a session with Mr.

A so they could focus on Mr. A understanding her behavior. Mr. A was to invite Ms. B to attend a session. At Mr. A's request, Ms. B joined him at the next session on March 22.

a. At the session, Ms. B said she was willing to consider a possible friendship, but no further relationship and she was willing to work in therapy to assist Mr. A resolve his negative emotions. She also said she needed therapeutic support to sort through her feelings and thoughts regarding her current relationship and her actions and to get a better sense of herself.

b. Respondent noted: "Therapist stated that he could not act as primary therapist to both of them because of possible triangulation due to client's desire to have a primary relationship with her and her not presenting that desire. I informed both that this was standard procedure in our clinic. Therapist suggested that client was his primary therapeutic relationship and that he could refer [Ms. B] or client to another therapist with them determining what would be best for them. Therapist communicated the client would have final determination of his choice of therapist. I recommended Sandy Mueller, PhD as the other therapist. I suggested they choose after processing this session and discussing the matter between them. Plan: Therapist will wait for client communication as to how we will proceed and if referral will take place for either [Ms. B] or client or to proceed without [Ms. B], if she so chooses. Both client and [Ms. B] agree."

5. Ms. B called Respondent for an appointment for therapy for herself. Respondent told her that he needed to determine if Mr. A was still his client.

6. Mr. A returned to see Respondent on March 31. He said that he was no longer interested in a relationship with Ms. B and had no desire for future communication with her. He said he was less anxious and depressed and had returned to normal sleep patterns. Respondent asked what his treatment objectives were and Mr. A said that he did not desire further treatment regarding Ms. B, but might want help with work related issues. Respondent said he would discharge him from the relationship issues and that they would touch base in a month to see if Mr. A wanted support with professional issues.

7. Ms. B left a voice mail message for Respondent who then called Ms. B back and said that Mr. A was no longer his client and he could provide treatment to her. Respondent contends that he only agreed to see Ms. B because she presented with acute emotional distress during the call and because he knew from the earlier sessions that she had made a suicide attempt in 2002. But Ms. B says that there was no such level of distress in her call, that she was not suicidal and she sought therapy with him because she liked his upbeat and motivating personality.

8. Ms. B was instructed to contact her health insurance carrier to determine coverage. She did so and determined that there was a \$300 deductible and a 30% co-pay. Effective April 5, the company authorized her to receive up to 8 psychotherapy sessions from Respondent and sent notification of the authorization to Respondent. Ms. B called Respondent's clinic and left a message that she would be unable to afford the fees and canceled the appointment. Respondent called Ms. B and told her he would charge her no more than \$100 for the session and she agreed to that figure.

9. On April 6, Ms. B went to Respondent's clinic for the scheduled appointment. While there, she completed and signed the forms required of a new client at the clinic, including: an Assignment and Instruction for Direct Payment to Provider form, a Financial Agreement form, a Fee Schedule form, an Adult Intake Evaluation form and an Adult Symptom Checklist. Then Respondent was provided the completed forms and her check for \$100 and they had a session.

10. Ms. B contends the following happened on April 6:

a. Respondent asked questions about the information on her Adult Intake Evaluation form and Adult Symptom Checklist. She declined to answer questions about her relationship with Mr. A. Respondent provided Ms. B with therapeutic insight and advice and it was her intention to continue in therapy with him.

b. At the end of the session, Respondent asked her how she felt about family and whether she wanted children. Then he told Ms. B this had never happened to him during a session but he was extremely attracted to her. He gave her three options:

- 1) She could continue to be seen by him and they could have dinner together.
- 2) He could refer her to the female therapist and he would provide her with his cell phone number so she could call him when she needed to do so.
- 3) He could refer her to the female therapist and he and Ms. B could exchange calls as friends "or more" and have dinner.

11. Respondent contends that Ms. B's version of what happened on April 6 is erroneous and contends the following happened that day:

a. When he saw Ms. B in the waiting area, he realized he was attracted to her to an extent that might distract him from the professional relationship.

b. After 15 minutes in the session, he noticed the distraction and about 40 minutes into the session, he told her of the attraction and that it would prevent him from providing her further treatment.

c. He offered to refer her to another therapist and returned her check to her. He said he told her he would not attempt to initiate a personal relationship but that once she had worked through her issues with a therapist, she could call and invite him to dinner and they could discuss his feelings. Respondent contends he told her they could discuss "what happened."

d. Because he did not consider Ms. B to have ever been a client, the Adult Intake Evaluation form and Adult Symptom Checklist Ms. B had completed were destroyed.

12. It was Ms. B's impression that Respondent had "hit on her" during the session and told that to Mr. A. Mr. A scheduled an appointment and saw Respondent on April 11. During that appointment, Mr. A presented as angry and emotionally suppressed with significantly elevated affect. He accused Respondent of hitting on his girlfriend and asking her out. Respondent denied asking her out, but admitted disclosing his feelings to Ms. B and said that he was ethically required to be honest with her about his feelings. Respondent told Mr. A that he would not have further communications with Ms. B. Mr. A abruptly left the session, said he didn't want to hear anything more from Respondent and never returned.

13. Respondent concedes that his actions negatively influenced the therapeutic processes of both Mr. A and Ms. B.

14. Following these events, Respondent voluntarily took and completed the following relevant continuing education courses:

a. "Ethical Issues in Mental Health" a 6-hour program with 4 hours of ethics and 2 hours of boundary issues held on April 15, 2005.

b. "Ethical Issues in Multi-Person Therapy," a 6-hour course held on October 3, 2008.

15. This is the only complaint about Respondent's practice that the Section or the Division has received during the 14 years Respondent has been credentialed by the Section.

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 of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, William Daniel Schacht, L.C.S.W., is hereby REPRIMANDED for the above conduct.

2. Because Respondent has voluntarily completed the continuing education set out in Finding of Fact 14, above, no further education is ordered in this matter.

3. Respondent shall, within one year of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,250.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment shall be mailed or delivered to:

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

5. In the event that Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

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

By: George J. Kamps
A Member of the Section

9/23/09
Date

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 :
 : STIPULATION
WILLIAM DANIEL SCHACHT, L.C.S.W., : LS _____ SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 024]

It is hereby stipulated and agreed, by and between William Daniel Schacht, L.C.S.W., Respondent; Lori Gendelman of Otjen, Van Ert, Lieb & Weir, 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. 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 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. 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.

7. 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.

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

William Daniel Schacht, L.C.S.W.
Respondent
7418 N. Tichigan Road
Waterford, WI 53185

Date

Lori Gendelman
Otjen, Van Ert, Lieb & Weir, S.C.
Attorneys for Complainant
700 North Water Street, Suite 800
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Date

John R. Zwieg
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Division of Enforcement
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Date