

# 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

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
HEATHER L. KIMBRO, C.S.W. :  
RESPONDENT. : ORDER0000244

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Division of Enforcement Case # 10 SOC 003

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

Heather L. Kimbro, C.S.W.  
2610 Nimitz St.  
Eau Claire, WI. 54701

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

Social Worker 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 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. Heather Kimbro, C.S.W. Respondent, date of birth March 10, 1980, was granted a temporary social worker certificate October 3, 2007 and was granted social worker certificate No. 9590-120 by the Section on March 19, 2008 which is currently active.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2610 Nimitz St. Eau Claire, WI 54701.

3. Respondent was employed as a social worker, from March 31, 2008 through December 22, 2009, by the Department of Corrections (DOC) at Stanley Correctional Institution. In that position, Respondent was to provide professional case management and coordinate internal and external services to inmates in accordance with rules, regulations, policies and procedures

4. Inmate A. arrived at Stanley Correctional Institution on February 19, 2009. Respondent provided him with group counseling for anger management from July 6, 2009 through October 23, 2009. Although Respondent was not his assigned social worker, Inmate A asked to speak with her in mid-November and she did so in her role as social worker. Respondent shared an office with Inmate A's social worker. Respondent and Inmate A had several discussions and shared that they each had a relative with an eating disorder. Inmate A moved to a different unit at Stanley in November 2009 and was transferred to Jackson Correctional Institution on December 16, 2009.

5. Respondent began a secret personal relationship with Inmate A in mid-November 2009. Respondent rented a post office box in Eau Claire, Wisconsin for the sole purpose of exchanging personal mail with Inmate A. Respondent sent Inmate A approximately 10 letters and a card and signed them "Angel." Inmate A letters to her at the post office box. They both stated they loved and missed each other. The Respondent requested a picture of the Inmate. Her letters indicate that Respondent also forwarded to Inmate A's mother his request for money. Among other things, Respondent's letters said :

- "You looked so damn sexy! My dreams didn't do you any justice."
- "I feel like I belong to you. I think that's what I love most about you, you always cheer me up with your letters and your kind words (I do miss your sexy body though too!)."
- "I miss you sooo much it hurts."
- "I've been thinking a lot about you/us lately and I really want this to work out. I don't know how it's going to work yet... All I can think about is you and finally being with you!"

6. Respondent followed Inmate A's instructions on how to set up her cell phone to accept collect calls, which he had to make from the correctional institutions. Respondent and Inmate A had approximately 18 telephone conversations, which were recorded by the correctional institutions. In a call on January 12 2010, Respondent told Inmate A she was getting prepared for his release. They were arranging for her to pick him up upon his release she said that they won't even make it out of the parking lot, suggesting that they would have physical contact before that occurred.

7. The DOC had at the time of Respondent's employment and currently has, a fraternization policy regarding relationships between its employees and inmates. The policy forbids employees from having any non-work related relationships with inmates without approval from the appropriate DOC authority. The policy defines which relationships are prohibited. Employees are responsible for consulting with their supervisors on possible conflicts with this policy. Respondent never contacted her supervisor or any DOC authority about her non-work related relationship with Inmate A and was in violation of the policy.

8. On December 17, 2009, Respondent was placed on administrative leave with pay from her employment with DOC while they investigated allegations she had violated the DOC fraternization policy, On December 22, 2009, Respondent resigned from her position with DOC

## 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, has failed to avoid a dual relationship and a relationship that might impair her objectivity or create a conflict of interest which is unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13) and Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

3. Respondent, by engaging in the conduct set out above, has committed gross negligence in practice which is unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(22) and Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The certificate of Heather Kimbro, C.S.W., Respondent, to practice as a social worker in the state of Wisconsin is hereby **SUSPENDED** for an indefinite period of time to be no less than eighteen (18) months, effective immediately.

2. Respondent may petition the Social Worker Section for the termination of the suspension, after eighteen (18) months, under the following terms and conditions:

a. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in improper dual relationships.

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

c. Respondent must provide proof sufficient to the Section that Respondent is able to practice with reasonable skill and safety of clients and public and does not suffer from any condition which prevents her from practicing in that manner.

d. If the Section determines to end the suspension, Respondent's certificate 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.

iv. Requiring Respondent to appear before the Section on an annual basis, if requested by the Section, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Section's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Section under paragraph 2d is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The suspension or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$750.00 pursuant to § 440.22(2), Stats.

5. Payment, petitions, notices and requests shall be mailed or delivered to:

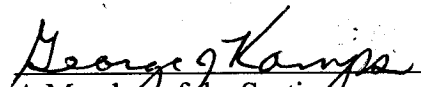
Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

6. 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 certificate. The Board 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 timely submit payment of the costs or fails to comply any ordered continuing education as set forth above, the Respondent's certificate may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

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

By:

  
A Member of the Section

Date

