

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DENNIS FRANK,	:	<u>ORDER 0000552</u>
RESPONDENT.	:	

[Division of Enforcement Case No. 09 RSA 040]

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

Dennis Frank
5706 West Main Street
Milwaukee, WI 53214

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

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 of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing ("the Secretary"). The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dennis Frank, (D.O.B.: April 17, 1954) is duly licensed as Clinical Substance Abuse Counselor in the state of Wisconsin (license # 1781-132), which was first granted on October 20, 1993. Respondent is also licensed as an Independent Clinical Supervisor in the state of Wisconsin (license # 11782-135), which was first granted on November 27, 2000.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 5706 W. Main Street, Milwaukee, Wisconsin 53214.

3. On June 28, 2007, Patient D.S. initially presented to the Respondent for treatment with a gambling problem. Respondent diagnosed Patient D.S. with a pathological gambling

problem and recommended a course of psychotherapy for an anticipated duration of two to three months.

4. Patient D.S. continued to treat with Respondent approximately ten more times in June, July, August and September of 2007.

5. Patient D.S. presented to the Respondent again on September 13, 2007, at which time she told Respondent that she had developed feelings for him.

6. At the next scheduled appointment, on October 4, 2007, Respondent told Patient D.S. that he could no longer treat her if they wanted to have a relationship, and he gave her his card and told her to call him. Patient D.S. subsequently called the Respondent and they went out for coffee.

7. On October 12, 2007, Respondent and Patient D.S. traveled to Chicago together. Respondent paid for the Amtrak train tickets and for the two night stay at a hotel. Respondent and Patient D.S. engaged in sexual intercourse while they were in Chicago.

8. On October 31, 2007, Respondent and Patient D.S. met at a hotel in Germantown, Wisconsin, where they engaged in sexual intercourse. Respondent paid for dinner at a nearby restaurant and for the hotel.

9. Over the course of the next two months, Respondent and Patient D.S. met for coffee and dinner on several occasions where sexual contact between Respondent and Patient D.S. occurred.

10. Between January and June of 2008, Respondent continued to meet Patient D.S. for lunch, dinner, or coffee.

11. Respondent had twelve therapy sessions with Patient D.S., but there were only medical records for the first two therapy sessions – the dates of June 28, 2007 and July 5, 2007. Respondent failed to create any treatment records or office notes for the following dates of treatment in 2007: July 19 and 26; August 2, 9, 16, 23 and 30; September 6 and 13; and October 4.

12. Respondent is currently on a teaching assignment in China. His expected return to Wisconsin is in June of 2011.

CONCLUSIONS OF LAW

1. The Secretary of the Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.88 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of engaging in an inappropriate sexual relationship with a patient within two years after the termination of professional services, as described in paragraph(s) 4 through 11, above, constitutes a violation of Wis. Admin. Code § RL 164.01(2)(m), and subjects Respondent to discipline pursuant to Wis. Stats. § 440.88(6).

3. Respondent's conduct, as described in paragraph 11 above, of failing to maintain adequate patient medical records relating to services provided a patient in the course of a professional relationship constitutes a violation of Wis. Admin. Code § RL 164.02(t), and subjects Respondent to discipline pursuant to Wis. Stats. § 440.88(6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The certificates of Dennis Frank, to practice as a clinical substance abuse counseling professional (#1781-132) and as an independent clinical supervisor (#11782-135) in the State of Wisconsin are SUSPENDED for a period of no less than TWELVE MONTHS.

2. Respondent may petition the Secretary of the Wisconsin Department of Regulation and Licensing ("the Secretary") for the termination of the suspension of his certificates no sooner than TWELVE MONTHS from the date of this order, under the following terms and conditions:

(a) Respondent shall have, at Respondent's own expense, undergone a psychological evaluation by a mental health professional with experience evaluating mental health care professionals with boundary issues.

i. The evaluating psychologist must not have treated Respondent at any time and shall have been approved by the Department or its designee, prior to the evaluation being performed.

ii. The Department shall provide the evaluating psychologist and Respondent with those portions of the investigative file which the Department believes may be of assistance in performing the evaluation. Respondent may provide the evaluating psychologist with any information Respondent believes will be of assistance in performing the evaluation and shall immediately provide copies of that information to the Department.

iii. Respondent shall authorize the evaluating psychologist to provide the Department or its designee, with the evaluation report and all materials used in performing the evaluation and shall provide the Department, or its designee, with the opportunity to discuss the evaluation and findings with the evaluating psychologist.

(b) Respondent, at his own expense, shall complete 12 hours of pre-approved continuing education in boundaries for social workers.

- (c) In the event that the Secretary terminates the suspension, the Secretary may limit Respondent's license in any manner the Secretary sees fit to address any recommendations resulting from the assessment.
- (d) Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
- (e) If Respondent believes that the Secretary's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Secretary under paragraph 3(c) 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 Secretary's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

3. Respondent shall, by December 31, 2011, obtain and successfully complete a minimum of two (2) hours of continuing education in area of record-keeping. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

4. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Secretary or her designee, prior to commencement of the programs. All costs of the educational programs shall be the responsibility of the Respondent.

5. Within thirty (30) days following completion of the course(s) identified in paragraphs 2 and 3 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required courses.

6. Respondent shall, by September 30, 2011, pay costs of this proceeding in the amount of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

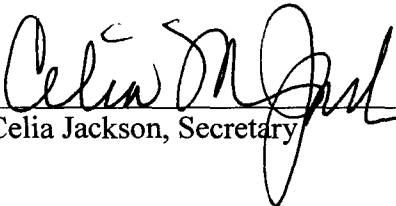
Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 Secretary in her 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 or with any limitations imposed under paragraph 2(c), the Respondent's certificates (#1781-132 and #11782-135) MAY 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 of its signing.

Department of Regulation and Licensing

By: 
Celia Jackson, Secretary

11/4/10
Date