

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
JACKIE M. MORTER,	:	
RESPONDENT.	:	ORDER 0001302

[Division of Enforcement Case # 09 SOC 074]

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

Jackie M. Morter, L.C.S.W.
1800 Robin Ave., S105
Oshkosh, WI 54902

Division of Enforcement
Department of Safety and Professional Services
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 Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 Social Worker Section (Section). The Section has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Jackie M. Morter ("Respondent") was born on February 9, 1975 and is licensed as a Clinical Social Worker in the State of Wisconsin (license #7402-123). This license was first

granted on October 30, 2007. Respondent was also certified as an Advanced Practice Social Worker in the State of Wisconsin under certificate #126766-121, which was first granted on May 3, 2005 and expired on February 28, 2009. Pursuant to Wis. Stats. § 440.08(3), Respondent has the right to renew this certificate upon payment of fees until February 28, 2014.

2. Respondent's most recent address on file with the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is 1800 Robin Ave., S105, Oshkosh, Wisconsin.

3. From October 22, 2002 to November 24, 2009, Respondent worked as a psychotherapist at Sheboygan County Health and Human Services ("SCHHS"), located in Sheboygan, Wisconsin.

4. Respondent's responsibilities included psychosocial evaluation and treatment services; outreach and prevention programs through consultation, information, and referral services; and crisis intervention.

5. From May 15, 2008 to July 29, 2009, Respondent provided individual psychotherapy and case management services to Client T.R.

6. On July 18, 2009, while Respondent was out of town, Sheboygan Police Department was notified of a possible burglary at Respondent's residence. Officers found Client T.R. in Respondent's driveway, attempting to operate Respondent's vehicle.

7. The Sheboygan Police Department immediately contacted Respondent regarding Client T.R.'s presence at Respondent's residence. Respondent stated that she did not give Client T.R. permission to enter her home or operate her vehicle. Client T.R. was arrested for burglary and driving or operating a vehicle without owner consent.

8. On October 29, 2009, Respondent's supervisors at SCHHS initiated an investigation of Respondent's relationship with Client T.R. Recorded telephone conversations between Respondent and Client T.R. revealed a sexual relationship.

9. On November 5, 2009, Respondent disclosed to two co-workers that she was having a sexual relationship with Client T.R.

10. Respondent was terminated from SCHHS on November 24, 2009.

11. In January 2010, Sheboygan Police Department filed a complaint with request for charges against Respondent to the Sheboygan County District Attorney for Respondent's false statements – that Client T.R. did not have permission to be in her house – during the burglary investigation.

12. Since December 2009, Respondent has not worked or attempted to work as a psychotherapist, in order to demonstrate her remorse.

13. Since October 2009, Respondent has continued to engage in counseling with Suzanne B. Grimm, M.D.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 457.26(2), and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 8-9, above, constitutes unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11) and (13) and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

3. The conduct described in paragraph 7, above, constitutes obstruction under Wis. Stat. § 946.41, unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Jackie M. Morter to practice as a Clinical Social Worker (license #7402-123) and as an Advanced Practice Social Worker (certificate #126766-121) is **SUSPENDED** for a period of THIRTY (30) MONTHS. This period of suspension shall start retroactively from December 1, 2009. During the period of suspension, Respondent is prohibited from providing social work services. Termination of the suspension is not automatic; Respondent must petition the Social Worker Section for the termination of the suspension.

IT IS FURTHER ORDERED that:

2. Respondent may petition the Social Worker Section for the termination of the suspension after 30 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 evaluating mental health care practitioners with boundary violations;
- b. The practitioner performing the assessment must not have treated Respondent at any time and shall have been approved by the Section, with the opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed;
- c. Respondent must provide proof sufficient to convince the Section that Respondent is able to practice with reasonable skill and safety of clients and the 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 licenses 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 or its designee, 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. Within 180 days from the date of this Order, Respondent shall complete twelve (12) hours of education in ethics pertaining to boundary issues for social workers.

- a. Respondent shall locate and have the Section or its designee pre-approve the educational programs prior to Respondent completing them.
- b. Within 30 days after Respondent has completed each educational program, Respondent shall submit to the Department Monitor proof of her attendance and that she has successfully completed the educational program.
- c. Respondent cannot apply these twelve hours of education to the biennial continuing education requirements. If Respondent obtains more than twelve hours of education to fulfill the requirements of this Order, then Respondent can use any of the hours of education obtained in excess of twelve hours towards the biennial continuing education requirements.
- d. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- e. Respondent is responsible for all costs of compliance with this Order.

4. 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.

5. If Respondent believes that the Section's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Section or its designee under paragraph 2d is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. §

227.01(3)(a), in which the burden shall be on Respondent to show that the Section's or designee's decision is arbitrary or capricious. The suspension or limitations on Respondent's licenses shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED DOLLARS (\$500.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

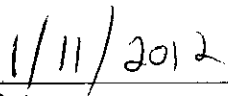
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 licenses. 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 provide evidence of satisfactory completion of the education, or pay the costs as set forth above in a timely matter, the Respondent's licenses (#7402-123 and #126766-121) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the education.

8. 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: 
A member of the Section


Date