

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 DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KATHY A. DAIN,	:	
RESPONDENT.	:	<u>ORDER 0001476</u>

[Division of Enforcement Case #11 SOC 076]

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

Kathy A. Dain
N2850 Otter Drive
Waupaca, WI 54981

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

Social Worker Section
Marriage and Family Therapy, Professional Counseling
And Social Work Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708

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 of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (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. Kathy A. Dain ("Respondent") was born on June 6, 1961 and is licensed as a social worker in the State of Wisconsin (license #570-120). This license was first granted on August 18, 1993.
2. Respondent's most recent address on file with the Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is N2850 Otter Drive, Waupaca, Wisconsin.
3. At all times relevant to this proceeding, Respondent worked as a psychotherapist with the Waupaca County Department of Health and Human Services ("DHHS").
4. In her position, Respondent has access to the Wisconsin Statewide Automated Child Welfare Information System ("eWiSACWIS"), which contains treatment and case management information on DHHS clients.
5. Authorized eWiSACWIS users are permitted to access eWiSACWIS only for information that is directly related to the case or work the authorized user is assigned to do. Respondent is prohibited from accessing eWiSACWIS for unauthorized reasons.
6. Client F.N. was initially assigned to Respondent. However, Respondent has a personal relationship with Client F.N. and her son, and requested to be removed from the case.
7. On January 17, 2011, Respondent accessed Client F.N.'s information on eWiSACWIS in order to look up Client F.N.'s son's birth date.
8. On July 27, 2011, at Client F.N.'s request, Respondent accessed eWiSACWIS to look up who was assigned to Client F.N. as case worker and the time of Client F.N.'s team meeting.
9. Client S.K. is Respondent's daughter.
10. On May 13, 2011, at Client S.K.'s request, Respondent accessed eWiSACWIS to look up who was assigned to Client S.K. as case worker.
11. As a result of these unauthorized uses, Respondent was disciplined by her employers and trained on other means to assist clients without violating eWiSACWIS user agreements.

CONCLUSIONS OF LAW

1. The Wisconsin Social Worker Section of the 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 unauthorized use of eWiSACWIS, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(10) and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Kathy A. Dain (license #570-120) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date for this Order, pay costs of this proceeding in the amount of TWO HUNDRED DOLLARS (\$200.00). 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

3. 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 Section 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 pay costs as ordered, Respondent's license to practice as a social worker (license #570-120) shall be **SUSPENDED**, without further notice or hearing, until Respondent has paid costs.

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

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

By: 
a member of the Section

4/11/2012
Date