

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	:	
PROCEEDING AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID R. EGENER,	:	
RESPONDENT.	:	

ORDER 0001477

[Division of Enforcement Case #10 SOC 049]

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

David R. Egener
5116 Spaanem Avenue
Madison, WI 53716

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

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 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. David R. Egener ("Respondent") was born on September 8, 1955 and is licensed to practice as a clinical social worker in the State of Wisconsin (license #2441-123). This license was first granted on April 4, 1994. This license expired on February 28, 2011 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 28, 2016.

2. Respondent's most recent address on file with the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is 5116 Spaanem Avenue, Madison, Wisconsin.

3. At all times relevant to this proceeding, Respondent was a counselor at Meriter Hospital's ("Meriter") NewStart program.

4. Since June 1988, Respondent was subject to several employer disciplinary actions relating to professional boundaries and inappropriate workplace behaviors. These disciplinary actions included, but are not limited to, the following:

- a. Written warning for professional boundaries with patients in June 1988;
- b. Verbal Warning for allegations of harassment in November 1988;
- c. Counseling for lack of boundaries in 1993;
- d. Counseling for strong or inappropriate confrontation with patients in group sessions in 1996;
- e. Warning for lack of boundaries with patients in 1998;
- f. Written Warning for professional boundaries with patients in August 2000;
and
- g. Counseling for breach of patient confidentiality and behavior in January 2001.

5. In May 2002, Respondent was issued a Last Chance Agreement/Final Written Warning based on inappropriate contact/conversations of sexually explicit content with various staff on multiple occasions which resulted in sexual harassment charges filed against him.

6. Since the Last Chance Agreement/Final Written Warning, the following occurred:

- a. In May 2005, a patient complained being "grilled in group" sessions;
- b. In January 2010, Respondent behaved inappropriately in group sessions, including using inappropriate language;

- c. On February 17, 2010, a patient complained of privacy concerns and unproductive group sessions; and
- d. On July 21, 2010, the mother of a patient that Respondent treated reported concern for her daughter's treatment and Respondent's unprofessional and inappropriate behavior.

7. On July 22, 2010, Respondent's employer initiated an investigation and placed Respondent on suspension. The investigation revealed that Respondent engaged in unprofessional conduct as evidenced by:

- a. Commenting on female clients' clothing, such as stating "nice shirt" to females wearing a low-cut blouse;
- b. Following the women down the hallway and stating "hey, honey, where are you going?"
- c. Stating "I would like to escort the beautiful women to an AA meeting this weekend," asking where people were going to meetings and then showing up at the meetings;
- d. "Flirting" with female clients;
- e. "Grilling" only the female clients during group meetings, but not male clients; and
- f. Making comments such as "I am in a good mood, someone should give me a drug test."

8. On August 1, 2010, after investigating and reviewing Respondent's performance history, Respondent was terminated.

9. Respondent denies the above allegations. However, in the interest of avoiding the expenses, hazards and uncertainties of litigation, and intending to change careers, Respondent has tendered the resignation of his license.

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 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Section accepts the resignation and surrender of Respondent's license and all rights and privileges attendant to the license.

IT IS FURTHER ORDERED that:

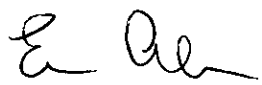
2. Within fourteen (14) days of the date of this Order, Respondent shall mail or physically deliver all indicia of licensure to the Department Monitor at the address below.

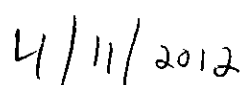
3. If Respondent ever applies to the Section for any credential, prior to becoming credentialed, Respondent shall pay costs of this proceeding in the amount of EIGHT HUNDRED DOLLARS (\$800.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

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

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


Date