

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KATHY A. DAIN,	:	
RESPONDENT.	:	

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ORDER 0001922

[Division of Enforcement Case #11 CPC 034]

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

Professional Counselor 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 Professional Counselor 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 professional counselor-in-training in the State of Wisconsin (license #527-226). This license was first granted on December 11, 2008.

2. Respondent's most recent address on file with the Professional Counselor 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 received training on proper use of eWiSACWIS and on other means to assist clients without violating eWiSACWIS user agreements.

## CONCLUSIONS OF LAW

1. The Wisconsin Professional Counselor 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 #527-226) 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:

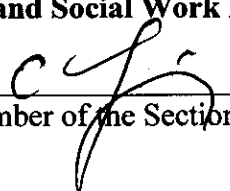
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

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 professional counselor-in-training (license #527-226) shall be **SUSPENDED**, without further notice or hearing, until Respondent has paid costs.

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

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

By:

  
a member of the Section

7/16/12  
Date