

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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

KELLY POWERS,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002819

Division of Legal Services and Compliance¹ Case No. 12 SOC 113

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

Kelly Powers
S10876 State Road 37
Lot C6
Mondovi, WI 54755

Social Worker Section
Marriage and Family Therapy, Professional Counseling, and
Social Work Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Social Worker Section of the Wisconsin 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, Conclusions of Law and Order.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

FINDINGS OF FACT

1. Respondent Kelly Powers, (dob March 22, 1963), is certified in the State of Wisconsin as a social worker, having certificate number 10097-120, first issued on May 21, 2009, and current through February 28, 2015. Respondent also has a certificate as a substance abuse counselor in training, having certificate number 15740-130, first issued on March 4, 2009, and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is S10876 State Road 37, Lot C6, Mondovi, Wisconsin 54755.

2. At all times relevant to this proceeding, Respondent was working as a Social Worker/AODA counselor for the State of Wisconsin, Department of Corrections at the Chippewa Valley Correctional Treatment Facility (CVCTF) in Chippewa Falls, Wisconsin.

3. Since joining CVCTF in 2009, Respondent began to encounter performance issues relating to completion of documents in a timely fashion. These documents included AODA discharge summaries, AODA and Social Worker file close outs, chronological and file case notes.

4. On January 2012, Respondent met with his new supervisor to discuss his deficiencies relating to his record keeping. At these meetings Respondent acknowledged his deficiencies, asked for guidance and assured his supervisor that his behavior would improve. Despite these assurances, Respondent continued to fail to keep records in a timely fashion and his supervisor continued to note a lack of improvement on Respondent's part.

5. On numerous occasions, Respondent's supervisor directed Respondent to complete the discharge summaries and close outs of his last AODA counseling group which completed their classes on May 4, 2012. Respondent was expected to complete this task within a two week period. Respondent failed in completing this task.

6. On repeated occasions Respondent failed to attend several scheduled clinical supervision sessions without providing proper notice. This failure caused the sessions to be rescheduled to the detriment of the patients. The rescheduling of these sessions had a direct effect on Respondent's ability to fulfill his clinical supervision requirements which in turn, affected his ability to continue to work as a substance abuse counselor.

7. On one occasion, Respondent admitted to his supervisor that he made up information in a file on an inmate. When asked to explain the reason for this action, Respondent stated that he did so in order to appear as being "on top of things" to his supervisors.

8. Based on Respondent's performance issues, an internal investigation was conducted by Respondent's employer. The internal investigation revealed that in addition to Respondent's performance issues, Respondent had also falsified his work experiences and qualifications and had lied to management regarding those experiences and qualifications.

9. On August 7, 2012, Respondent submitted his resignation to CVCTF. Respondent's employer accepted the resignation.

10. On July 11, 2013, during an investigatory interview, Respondent admitted to a representative of the Division of Legal Services and Compliance, of telling "half-truths" and lies to his employer regarding the inmate incident and the inmate's probation officer. In addition, Respondent acknowledged that his behavior was "unprofessional conduct" and that he would accept "whatever punishment we felt appropriate."

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 457.26(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Kelly Powers committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(7) by reporting distorted, false, or misleading information or making false statements in practice.

3. By the conduct described in the Findings of Fact, Respondent Kelly Powers committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(18) by failing to maintain adequate records relating to services provided to a patient in the course of a professional relationship.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kelly Powers is REPRIMANDED.

3. The social worker certificate issued to Respondent Kelly Powers (no. 10097-120) is hereby LIMITED as follows:

a. Within one hundred and twenty (120) days of the date of this Order, Respondent shall successfully complete, at his own expense, six (6) hours of remedial education on the topic of proper record keeping. The courses must be pre-approved by the Section's chairperson or designee. All courses shall be "live" and "in-person" and not taken on-line through the internet, or in any pre-recorded medium. To satisfy this requirement, Respondent must take and pass any exam offered for the courses.

b. Within one hundred and twenty (120) days of the date of this Order, Respondent shall successfully complete, at his own expense, six (6) hours of "individual," "one-on-one training," on the topic of the ethics of documentation. The courses must be pre-approved by the Section's chairperson or designee. To satisfy this requirement, Respondent must take and pass any exam offered for the courses.

c. Respondent shall submit proof of successful completion of the remedial education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be required by the Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. This limitation shall be removed from Respondent's certificate and Respondent will be granted a full, unrestricted certificate after satisfying the Department or its designee that Respondent has successfully completed all of the ordered education.

5. Within ninety (90) days from the date of this Order, Kelly Powers shall pay COSTS of this matter in the amount of \$251.43.

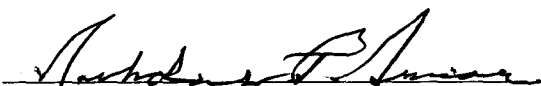
6. Requests for approval of courses, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 certificate. The Section 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 timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's certificate (no. 10097-120) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has with payment of the costs and completion of the education.

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

SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL
WORK EXAMINING BOARD

By 
A Member of the Section

12-3-13
Date

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	:	
	:	STIPULATION
KELLY POWERS,	:	
RESPONDENT.	:	ORDER 0002819

Division of Legal Services and Compliance¹ Case No. 12 SOC 113

Respondent, Kelly Powers, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Social Worker Section Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Board). The parties to the Stipulation consent to the entry of

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Kelly R. Powers, CSW, SACOT

Kelly Powers, Respondent
S10876 State Road 37
Lot C6
Mondovi, WI 54755
License no. 100097-120

10/29/ 2013

Date



Micabil Diaz-Martinez, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

November 4, 2013

Date