

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
LAUREL MCCULLOCH, L.C.S.W., :
RESPONDENT. :

FINAL DECISION AND ORDER

0003196

Division of Legal Services and Compliance Case No. 13 SOC 068

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

Laurel McCulloch, L.C.S.W.
1504 W. Grant Street
Appleton, WI 54914

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

Social Worker Section
Marriage and Family Therapy, Professional Counseling and Social Work Examining Board
Wisconsin Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8366
Madison, WI 53708-8366

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 the attached Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following finding of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Laurel McCulloch, L.C.S.W., (Respondent), (dob January 17, 1954), is a licensed clinical social worker in the state of Wisconsin pursuant to license number 1657-123. This license was first granted on November 4, 1993, and is current through February 28, 2015. Respondent's most recent address on file with the Department of Safety and Professional Services ("Department") is 1504 W. Grant Street, Appleton, Wisconsin 54914.

2. On August 20, 2013, Respondent's co-worker was assigned to a case involving a ten-year-old girl who had reported that the child's mother abused the child. Respondent had no prior relationship with the child or with the child's case. The co-worker left the child with Respondent and Respondent attempted to calm the child while the co-worker left the room to make a report to Child Protective Services.

3. The patient's mother entered the room and scolded the child for reporting that the mother had abused her.

4. The child fled the room, and Respondent followed the child to a stairwell where Respondent again tried to calm the child, while also attempting to dissuade the child from pulling the fire alarm for the building. The child left the fire alarm, but returned to it and put her hand on the lever. Concerned for the safety of the building's occupants, Respondent put her hand on the child's hand.

5. The child slapped Respondent, and Respondent slapped the child. Respondent then apologized to the child, and immediately reported the incident. There were no witnesses other than Respondent and the child.

6. Respondent was terminated from her employment on August 24, 2013, and has not worked as a social worker, nor has she sought employment as a social worker, since that date.

7. Respondent admitted her conduct, recognizes the significance of her conduct, and has expressed significant remorse. Respondent has not previously been the subject of any complaint or disciplinary proceeding.

CONCLUSIONS OF LAW

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

2. Respondent's conduct in striking the child constitutes a violation of Wis. Admin. Code § MPSW 20.02(22).

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

ORDER

IT IS HEREBY ORDERED that:

1. Laurel McCulloch's license to practice clinical social work in the state of Wisconsin, license number 1657-123, is SUSPENDED for one month, effective August 24, 2013.

2. Within 90 days from the date of this Order, Laurel McCulloch, L.C.S.W., shall pay COSTS of this matter in the amount of \$300.00.

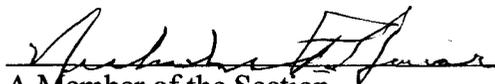
3. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

4. 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 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 timely submit payment of costs, Respondent's license (no. 1657-123) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

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

By: 
A Member of the Section

4-30-14
Date

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
LAUREL MCCULLOCH, L.C.S.W., : STIPULATION
RESPONDENT. : **0003196**

Division of Legal Services and Compliance Case No. 13 SOC 068

Respondent Laurel McCulloch, L.C.S.W., 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 Social Worker Section of the Wisconsin Marriage and Family, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of 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 Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, 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 Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

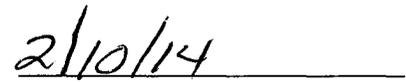
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation.

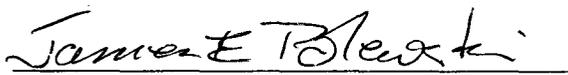
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

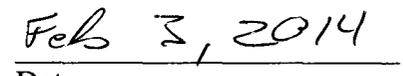
8. Respondent is further informed that should the Section adopt this Stipulation, the Section's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

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


Laurel McCulloch, Respondent
1504 W. Grant Street
Appleton, WI 54914
License no. 1657-123


Date


James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date