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**Before the
State Of Wisconsin
Wisconsin Marriage and Family Therapy, Professional Counseling and
Social Work Examining Board**

In the Matter of the Disciplinary Proceedings
Against Vicki LaFountain, L.C.S.W., Respondent

FINAL DECISION AND ORDER

Order No. 0007323

Division of Legal Services and Compliance Case No. 12 SOC 080

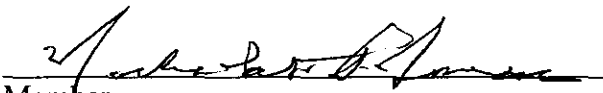
The State of Wisconsin, Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 18th day of March, 2015.


Member

Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work
Examining Board, Social Work Section



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings
Against Vicki LaFountain, L.C.S.W., Respondent

DHA Case No. SPS-14-0072
DLSC Case No. 12 SOC 080

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Vicki LaFountain, L.C.S.W.
3021 Holmgren Way, Suite 203A
Green Bay, WI 54304

Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work
Examining Board, Social Work Section
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

These proceedings were initiated on September 12, 2014, when the Department of Safety and Professional Services, Division of Legal Services and Compliance (Division), filed and served a formal Complaint against Respondent Vicki LaFountain. The Complaint alleged that Respondent committed one count of unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13) by engaging in a dual relationship with a client, and one count of unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(7), by aiding and abetting reports of false or misleading information in the practice of social work.

On October 8, 2014, a telephone conference was held at which Respondent admitted the conduct and violations alleged in the Complaint, pursuant to the parties' written Stipulation which was filed with the Complaint. The parties agreed that the remaining issues of discipline and costs could be decided based on the parties' written submissions. The administrative law

judge (ALJ) issued a briefing order, setting a deadline for simultaneous submissions, which were timely filed.

FINDINGS OF FACT

Findings of Fact 1-11 are taken from the parties' Stipulation filed on September 12, 2014.

1. Respondent Vicki LaFountain is licensed in the State of Wisconsin to practice clinical social work, license number 7227-123. This license was first granted to Respondent on September 29, 2005 and expires on February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3021 Holmgren Way, Green Bay, Wisconsin 54304.

2. Client A is a woman born on March 24, 1981. In 2009, Respondent provided therapy to Client A's minor son for approximately one year. Client A became comfortable with Respondent while Respondent provided care to Client A's son.

3. Between February 2012 and April 2012, Respondent began providing psychotherapy to Client A individually. Respondent diagnosed Client A with a multiple personality disorder, and as having 16 personalities, including that of a 15 year-old adolescent and an infant.

4. During all times relevant to this matter, Respondent and her mother, who was also a social worker, lived together. Although Client A was Respondent's client, Respondent's mother was involved in providing care to Client A. They purchased food and clothing for Client A, and provided Client A's transportation.

5. Respondent provided Client A with her cell phone number so Client A could call Respondent when Client A was in crisis, rather than making use of existing crisis intervention programs. Respondent believed that she personally could provide Client A with more appropriate care than could other existing community programs.

6. On March 22, 2012, Respondent failed to follow crisis protocol when Client A expressed thoughts of suicide. Rather than calling a crisis intervention program, Respondent and her mother took Client A into their home. Respondent allowed Client A to stay at Respondent's residence for two days and two nights while Client A was suicidal. At the same time, Respondent and her mother had foster children in their home.

7. Respondent spoke to Client A and to other professionals about the need to keep the extent of Respondent's relationship with Client A secret, along with Client A's relationship with Respondent's mother, because of "obvious ethical concerns." Respondent encouraged Client A, Respondent's mother and other social work professionals to refer to Respondent's mother only as Client A's friend from community support groups and not as Respondent's mother, a social worker with whom Respondent lived. Respondent believed she would be unable to provide care that Client A needed if the boundary issues were discovered by other treatment providers.

8. Respondent intervened when another professional suggested Client A should have been hospitalized. It was Respondent's professional opinion that the hospital could not adequately care for Client A and her multiple personalities.

9. Respondent left a voice message for another professional who provided services to Client A, stating that she did not believe Client A was suicidal and that she believed she was doing what was best for Client A. Respondent also thanked the other professional “for holding this under wraps, [as Respondent] realizes this is highly unethical.”

10. Respondent admitted to Outagamie County Child Protective Services that she knew allowing Client A to stay with her constituted ethics and boundary violations.

11. Respondent’s motivation in treating Client A was to address treatment needs Respondent felt would not be adequately addressed by other community programs; Respondent’s previous attempts to get Client A into certain programs had been unsuccessful.

DISCUSSION AND CONCLUSIONS OF LAW

Violations

In their Stipulation, the parties agreed to the following conclusions of law.

The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section) has jurisdiction to act in this matter pursuant to Wis. Stat. § 457.26.

By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 10.02(13), by engaging in a dual relationship with Client A.

By the conduct described in the Findings of Fact, Respondent also committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(7) by aiding and abetting reports of false or misleading information in the practice of social work by encouraging Client A, Respondent’s mother and other social work professionals to omit the truth about Respondent’s mother’s actual relationship with Client A and Respondent.

The parties have further stipulated that as a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division recommends that Respondent’s license be suspended for 30 days, that she complete four hours of remedial education on the topic of social work ethics and boundaries, and that for a period of two years from the date of the Final Decision and Order, she meet bimonthly with a professional mentor to discuss challenging cases, particularly cases that pose a risk of dual relationships.

Respondent agrees with the Division’s recommendation, except with respect to the 30-day suspension. She states that she takes full responsibility for her actions but does not want her clients to have their progress interrupted because of her mistake. She asserts that she is one of a

few practitioners in the area who accepts Medicaid or a sliding fee scale as payment and that she is the only psychotherapist at her agency. She also states that since this event occurred two and a half years ago, she has suffered financially due to loss of numerous referral sources, and that as a result, she requires the support of family just to survive.

For the reasons set forth below, I agree with the Division that a period of suspension is warranted but also agree with Respondent that the full 30 days is not necessary to advance the objectives of discipline, particularly given the other limitations on her license recommended by the Division and imposed in this case.

Respondent provided clothing, food, and other items to a client, Patient A, to whom she was providing psychotherapy. She also permitted the same client to stay with her at her residence for several days and nights. By providing the client with these items and permitting the client to stay in Respondent's home, Respondent compromised the integrity of the professional relationship.

Although Respondent's actions were not motivated by a desire for personal gain, but instead, by a desire to help her client, it is significant that she was fully aware that her conduct was unethical and that she actively encouraged her client, her mother and other professionals to conceal her unethical behavior so she could continue to treat Patient A. Respondent did this because of her belief that other providers would not provide adequate care for Patient A. Respondent either ignored or did not entirely understand the seriousness of her actions. Respondent's attitude, placing her personal views above the ethical requirements of the profession, requires discipline sufficient to emphasize the inappropriateness of Respondent's behavior and to ensure that her future clients are protected. Based on the foregoing, a brief suspension is warranted.

However, a suspension of less than 30 days, specifically, 15 days, is also warranted given the facts of this case, the other license limitations imposed here, and prior Section decisions involving dual relationships. See *In the Matter of Disciplinary Proceedings Against Denise Lynn Bailey*, Case No. 09SOC026 (Dec. 15, 2011); *In the Matter of Disciplinary Proceedings Against Julie A. Bukowski*, Case No. 05SOC052 (Feb. 1, 2006); *In the Matter of Disciplinary Proceedings Against Cynthia J. Klein*, Case No. 96SOC018 (June 13, 2002). The two cases with suspensions longer than that requested here, *Klein* and *Bukowski*, involved facts more egregious than those imposed in this case. *Bukowski* involved a social worker working in a prison who smuggled contraband, including an unopened package, into the prison for an inmate, setting up a post office box at the inmate's request using a fictitious name at which the inmate received letters, picking up cash or money orders for him and buying him what he wanted and handing the items off to him when he came to her office. She was convicted to Delivering Illegal Articles to an Inmate, a Class I felony, and five counts of Disorderly Conduct, Class B misdemeanors. The social worker's license was indefinitely suspended for a minimum of one year.

In *Klein*, the social worker had an intense and ongoing personal relationship with her client for nearly a year and a half, treating the client 113 times during that period, seeing her outside of the office and letting the client stay at her house, despite being repeatedly warned by other professionals about boundary issues. Ultimately, in 1994, after the client wrote a letter stating she was terminating treatment, the social worker allowed the patient to move into her home, where she was still living in 2002, at the time the final decision and order was issued in that case. Although there was a 90-day period of suspension in that case, the discipline did not involve meeting with a mentor for a two-year period as imposed in this case.

In *Bailey*, where the Section imposed a 30-day suspension, the county social worker, Denise Bailey, sought to provide assistance to a friend of hers, who was accused of sexually assaulting his daughter. The child was a client of the agency which employed Bailey. Ms. Bailey's efforts to help the accused included attending his bail hearing, discussing the matter with his wife, who appeared to be acting on her husband's behalf, accessing confidential information regarding the case, and requesting her supervisor and another social worker at her agency to assist the wife in cashing her personal check for the accused's bail. In so doing, Bailey not only created the risk of sending confusing messages to the client child, but also potentially worked against the client's interests. In the instant case, Respondent, although aware of the impropriety of the dual relationship in which she was engaged, did so based on a belief (however misguided) that it was in the client's interest. I also note that unlike here, in *Bailey*, the Section did not require that the social worker receive mentoring, along with quarterly reports, for a two-year period.

I conclude that a brief suspension and limitation of Respondent's license to practice clinical social work is appropriate in this matter and will serve to protect the health, safety, and welfare of patients and the public and ensure that Respondent fully understands the rules governing her profession.

Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. The Division requests that Respondent be ordered to pay the full costs of this investigation and of these proceedings. The factors to be considered in assessing costs are: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct; and (7) any other relevant circumstances. See *In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz, D.C.*, Case No. LS0802183CHI (Aug. 14, 2008).

Based on the factors delineated in the *Buenzli-Fritz* decision and the facts of this case, Respondent should be assessed 50 percent of the costs of these proceedings. Respondent was charged with unprofessional conduct in violation of two separate code provisions, both of which stemmed from the same conduct, and both of which she admitted early on in these proceedings. The conduct is serious, particularly because Respondent acknowledged that she knew the conduct was wrong, though Respondent did not engage in the unprofessional conduct for any personal gain. Respondent has cooperated fully in these proceedings, taking responsibility for her conduct at a very early stage of the proceedings, months prior to the filing of the Complaint. Also, Respondent has had no prior disciplinary proceeding against her. Finally, I note that although most of the disciplinary factors operate in Respondent's favor, imposition of 50 percent of the costs on Respondent is nonetheless warranted due to the seriousness of the conduct and the fact that any costs not borne by Respondent would be borne by other members of her profession.

ORDER

Accordingly, IT IS HEREBY ORDERED:

The license to practice clinical social work issued to Respondent Vicki LaFountain is SUSPENDED as follows:

1. Respondent's license to practice clinical social work in the State of Wisconsin is SUSPENDED for a period of 15 days, beginning 15 days from the date of this Order.

2. Respondent's license is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete four hours of remedial education on the topic of social work ethics and boundaries offered by a provider pre-approved by the Section's monitoring liaison. Successful completion shall include taking and passing any exam offered for the course(s).

b. Within 30 days of course completion, Respondent shall submit proof of successful completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department, nor may they be used in future attempts to upgrade a credential in Wisconsin.

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

3. Respondent's license is further LIMITED as follows:

a. For a period of two years from the date of this Order, Respondent shall obtain a professional mentor who will meet with Respondent at least bimonthly to discuss cases that Respondent finds challenging, and particularly any cases that place Respondent at risk of engaging in dual relationships.

b. After a period of six months of bimonthly meetings, and with approval from the mentor, the frequency of the mentoring meetings may, in the discretion of the Section or its designee, be reduced. Approval from the mentor means that in the mentor's professional judgment, reduction in the frequency of the mentoring meetings will not place Respondent at unacceptable risk of committing additional boundary violations.

c. After two years of satisfactory quarterly reports submitted by the professional mentor, and with the approval of the mentor, Respondent may petition the Section to remove the limitation. The determination of whether or not reports are satisfactory and whether or not this limitation may be removed lies in the sole discretion of the Section.

d. The professional mentor shall be preapproved by the Section or its designee.

e. The professional mentor shall be licensed to practice social work in the state of Wisconsin, and shall not have been disciplined by the Section or its designee.

f. The professional mentor may be the supervisor at Respondent's place of employment.

g. Respondent shall provide the professional mentor with a copy of this Order prior to commencing the mentoring relationship. The professional mentor must agree to participate in the mentoring relationship.

h. Respondent shall arrange for the professional mentor to submit quarterly reports to the Department Monitor. The content of the reports shall indicate whether or not there is any evidence that Respondent has not conformed to appropriate professional boundaries, or has otherwise engaged in unprofessional conduct.

i. Respondent shall not have contact with clients, whether in person or otherwise, outside of established office hours. This limitation is intended to be permanent, and shall be removed only in the discretion of and with express permission of the Section or its designee.

j. In the event that Respondent has contact with a client or clients outside of established office hours, Respondent shall notify the professional mentor or, if no professional mentor is in place, the Department Monitor, as soon as possible, but no more than 24 hours after the client contact.

k. Respondent shall not permit clients to be in Respondent's home, and shall not provide clients with her personal telephone, personal email address, or other contact information. This limitation is permanent.

4. Requests for the approval of courses and proof of successful course completion 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 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order, including having non-emergency contact with clients outside of normal office hours or permitting a client to be present in Respondent's home, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. 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 submit proof of successful completion of the ordered education as set forth above, fails to obtain the professional mentor as ordered, or engages in acts constituting boundary violations, Respondent's license may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with completion of the education, or as otherwise ordered.

6. Respondent shall pay 50 percent of recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

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

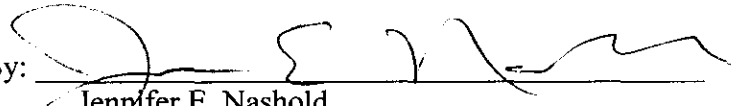
IT IS FURTHER ORDERED THAT the terms of this Order are effective the date the Final Decision and Order is signed by the Section.

IT IS FURTHER ORDERED that the above-captioned matter is hereby closed as to Respondent Vicki LaFountain.

Dated at Madison, Wisconsin on January 29, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Tel. (608) 266-7709
Fax (608) 264-9885

By: _____


Jennifer E. Nashold
Administrative Law Judge