

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

KATHLEEN H. WESTCOT,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0003675

Division of Legal Services and Compliance Case No. 14 SOC 265

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

Kathleen H. Westcot
W248S6060 Deerfield Cir
Waukesha, WI 53189

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

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

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 Worker 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.

FINDINGS OF FACT

1. Respondent Kathleen H. Westcot, (DOB August 27, 1948) is certified in the state of Wisconsin to practice social work, having certificate number 3423-120, first granted on April 4, 1994 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W248S6060 Deerfield Circle, Waukesha, Wisconsin 53189.

2. In 2013, the Department of Safety and Professional Services began an audit of compliance with the continuing education requirements for social workers for the 2011-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit.

4. Respondent failed to demonstrate compliance with continuing education requirements for the 2011-2013 biennium as follows:

- a. Respondent submitted evidence that she had completed 30 credits of continuing education;
- b. 15.5 of the 30 credits were accepted for the 2011-2013 biennium;
- d. 14.5 were not accepted because they were distance learning courses without the proper approval;
- e. Respondent therefore completed 15.5 hours of 30 due in the 2011-2013 biennium.

5. As of the date of this Final Decision and Order, Respondent has complied with continuing education requirements for the 2011-2013 biennium.

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

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board 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. Respondent, Kathleen H. Westcot has violated Wis. Admin. Code § MPSW 8.02(1), by failing to complete 30 credits of continuing education in the appropriate biennium.

3. Respondent, in failing to comply with requirements of Wis. Admin. Code § MPSW 8.02(1), has engaged in unprofessional conduct as defined by Wis. Admin. Code § 20.02(2).

4. As a result of the above violation(s), Kathleen H. Westcot is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Kathleen H. Westcot, certificate no. 3423-120, is hereby REPRIMANDED.

3. Courses taken on May 13, 2014, September 29, 2013 and December 4, 2013 were retroactively applied to the 2011-2013 biennium and may not be used to fulfill continuing education requirements for the 2013-2015 biennium.

4. Respondent is on notice that the Department may audit her compliance with continuing education requirements in the next biennium.

5. Within 90 days from the date of this Order, Respondent Kathleen H. Westcot shall pay COSTS of this matter in the amount of \$100.00.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

7. Violation of any of the terms of this Order, including failure to complete continuing education or to pay costs as ordered 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 timely submit payment of costs as ordered or fails to submit proof of successful completion of the continuing education as set forth above, Respondent's license (no. 3423-120) may, in the discretion of the Section or its designee, be SUSPENDED without further notice or hearing, until Respondent has complied with payment of the costs and completion of the continuing education.

8. 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:

Nick Smir
A Member of the Section

Date

1/20/15

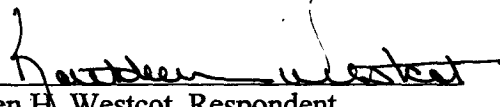
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision 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.

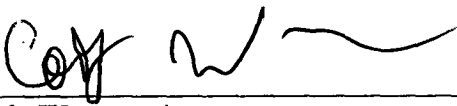
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for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

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


Kathleen H. Westcot, Respondent
W248S6060 Deerfield Circle
Waukesha, Wisconsin
Certificate no. 3423-120

12/27/14
Date


Cody Wagner, Attorney
State Bar Number 1069666
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 261-0116
Fax: (608) 266-2264
EMAIL: cody.wagner@wi.gov

1/2/2015
Date