

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 DISCIPLINARY
PROCEEDINGS AGAINST

JAMES C. HICKEY,
RESPONDENT.

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FINAL DECISION AND ORDER

0003677

Division of Legal Services and Compliance Case No. 14 SOC 056

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

James C. Hickey
17435 Country Ln
Brookfield, WI 53045

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 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.

FINDINGS OF FACT

1. Respondent James C. Hickey (DOB September 26, 1950) is certified in the state of Wisconsin to practice social work, having certificate number 2884-120, first granted on January 13, 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 17345 Country Lane, Brookfield, Wisconsin 53045.

2. In 2013, the Department conducted an audit of social workers to determine their compliance with the continuing education requirements for the 2011-2013 biennium.

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

4. Respondent certified on his 2013 application for license renewal that he completed thirty (30) hour of continuing education for the 2011-2013 biennium.

5. Respondent did not request and was not granted a postponement or waiver of the social worker continuing education requirements for the 2011-2013 biennium.

6. When Respondent was contacted pursuant to the audit, he failed to submit certificates of completion for continuing education for the 2011-2013 biennium. Respondent has since retired and wishes to voluntarily surrender his certificate.

7. 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 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 the requirements of Wis. Admin. Code § MPSW 8.02(1), has engaged in unprofessional conduct as defined by Wis. Admin. Code § 20.02(2).

4. Respondent violated Wis. Admin. Code § MPSW 8.02(1)(b), by failing to complete at least four (4) of the thirty (30) required continuing education hours in the subject area of social work ethics and boundaries.

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

6. As a result of the above violations, Respondent James C. Hickey is subject to discipline pursuant to Wis. Stat. §§ 457.26(2)(h).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license to practice clinical social work in the State of Wisconsin issued to James C. Hickey, (certificate no. 2882-120) is hereby accepted.

3. Respondent shall not use any social worker title unless and until he is granted recertification under the terms set out in paragraphs 4 & 5 below.

4. Respondent shall not petition for certification for a period of one (1) year following the date of this order.

5. Before Respondent may petition for certification, Respondent shall first satisfy the Section or its designee that he has complied with the following:

- a. Respondent shall pay COSTS of this matter in the amount of \$120.00, before any such application may be considered.
- b. Respondent shall successfully complete 30 hours of continuing education for each biennium from 2011-13 through the biennium in which Respondent seeks recertification. Continuing education accomplished pursuant to this paragraph shall comply with the requirements specified in Wis. Admin. Code § MPSW 8.02.
- c. Respondent shall submit proof, satisfactory to the Section or its designee, of the successful completion of the education.
- d. The education completed pursuant to this limitation may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Section or Department.
- e. Respondent shall submit a new application for certification and meet all requirements for certification existing at the time of the application.
- f. Whether to grant a certification shall be in the discretion of the Section. The Section may, in its discretion impose such limitations as it deems advisable.
- g. The decision of whether or not to grant recertification is within the Section's sole discretion and is not reviewable.

6. Proof of successful course completion and 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

7. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent's right to reapply for certification. 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.

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

Dated at Madison, Wisconsin this 28 day of July, 2015

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

By: Nick Smir (u)
A Member of the Section

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 DISCIPLINARY
PROCEEDINGS AGAINST

JAMES C. HICKEY,
RESPONDENT.

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STIPULATION

0003677

Division of Legal Services and Compliance Case No. 14 SOC 056

Respondent James C. Hickey 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.

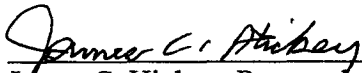
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision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

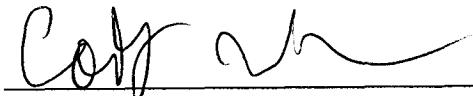
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for 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.


James C. Hickey, Respondent
17345 Country Ln
Brookfield, WI 53045
Certificate No. 2884-120

12/24/14
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@w.gov

1/2/15
Date