

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	:	
	:	FINAL DECISION AND ORDER
RACHEL A. KELBERT,	:	
RESPONDENT.	:	

0003838

Division of Legal Services and Compliance Case No. 14 SOC 079

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

Rachel A. Kelbert,
402 East Spring Street
Appleton, WI 54911

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 Rachel A. Kelbert (dob September 22, 1977) is certified in the state of Wisconsin to practice as an advanced social worker, having certification number 127481-121, first granted on May 23, 2008 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 402 East Spring Street, Appleton, Wisconsin 54911.

2. Respondent certified on her 2013 application for renewal that she had completed thirty (30) continuing education hours (CEHs) for the 2011-2013 biennium and that she could provide evidence of such upon request.

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

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

5. Respondent submitted a course completion certificate for six and one-half (6.5) CEHs.

6. Respondent was unable to provide any other course completion certificates including one that would satisfy the social work ethics and boundaries continuing education requirement.

7. Respondent is deficient twenty-three and one half (23.5) CEHs of the required thirty (30) CEHs for the 2011-2013 biennium.

8. 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, 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, Rachel A. Kelbert, violated Wis. Admin. Code § MPSW 8.02(1), by failing to complete thirty (30) continuing education hours in courses and programs for social workers.

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

4. By the conduct described in the Findings of Fact, Rachel A. Kelbert, violated Wis. Admin. Code § MPSW 8.02(1)(b), by failing to complete 4 hours in the subject area of social work ethics and boundaries.

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

6. As a result of the above violations, Rachel A. Kelbert, is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

1. The attached Stipulation is accepted.
2. Respondent, Rachel A. Kelbert, certification no. 127481-121, is hereby REPRIMANDED.
3. Respondent's certification to practice social work in the state of Wisconsin is hereby LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order Respondent shall complete 23.5 hours of required continuing education in subject matter relevant to social work. Four (4) of the 23.5 CEH must be in social work ethics and boundaries and shall not be completed as self-study.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, or its designee, prior to commencement of the course(s).
 - c. The Section or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval. Any decision under this subsection is not reviewable.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that she has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization(s).
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - f. The continuing education completed pursuant to this requirement will be used to satisfy only the continuing education required for the 2011-2013 biennium. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Section or Department.

- g. Satisfaction of this limitation does not relieve Respondent of the obligation to complete continuing education in the current biennium.
- h. Respondent is on notice that the Department may audit her compliance with continuing education requirements in the next biennium.
- i. This limitation shall be removed upon Respondent demonstrating to the Section or its designee that Respondent has successfully completed continuing education requirements for the 2011-2013 biennium.

4. Within ninety (90) days from the date of this Order, Respondent Rachel A. Kelbert, shall pay COSTS of this matter in the amount of \$172.25.

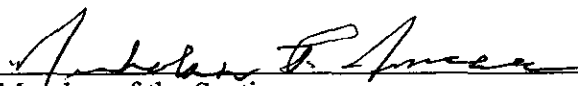
5. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

6. 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 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. 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 certification (no. 127481-121) 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.

7. 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

3-18-15
Date

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

RACHEL A. KELBERT,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003838

Division of Legal Services and Compliance Case No. 14 SOC 079

Respondent Rachel A. Kelbert 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.



Rachel A. Kelbert, Respondent
402 East Spring Street
Appleton, WI 54911
Certification no. 127481-121

1/16/15
Date



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aloysius.rohmeyer@wisconsin.gov

1/23/15
Date