

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DARLENE A. DALEY,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: DHA Case Number SPS 15-0079
:
: 0004303

Division of Legal Services and Compliance Case No. 13 SOC 094

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

Darlene A. Daley
W169N11508 Biscayne Drive
Germantown, WI 53022

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

PROCEDURAL HISTORY

The Division of Legal Services and Compliance commenced this proceeding on August 11, 2015. Respondent Darlene Daley, by her attorney Patrick Knight, filed an Answer on August 24, 2015, and Administrative Law Judge Jennifer E. Nashold presided over a prehearing conference on September 4, 2015.

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 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 Darlene A. Daley, (dob October 14, 1950) is certified in the state of Wisconsin as a social worker, having certificate number 7429-120, first granted on December 4, 2000, and current through February 28, 2017.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W169N11508 Biscayne Drive, Germantown, Wisconsin 53022.
3. At all times relevant to this proceeding Respondent was employed as a social worker at a psychiatric hospital, located in Milwaukee, Wisconsin.
4. On November 27, 2013, Patient A was receiving in-patient treatment at the hospital.
5. Respondent received a report from a case manager that Patient A was non-responsive but standing with a noose around his neck, tied to the latch at the top of the window in his room.
6. Respondent and the case manager walked to a psychologist's office. Respondent stated to the psychologist that the case manager had some important information and prompted the case manager to report finding Patient A with a noose around his neck, tied to the latch at the top of the window in his room.
7. The psychologist immediately alerted hospital staff to Patient A's condition. Hospital staff cut the noose from Patient A's neck, and observed him to be minimally responsive. Staff administered oxygen at a high rate to Patient A and revived Patient A by the time paramedics arrived to take him to a general hospital for medical evaluation.
8. Respondent states that based on the case manager's statements and lack of urgency, she did not have a reason to believe Patient A was in immediate danger.
9. Respondent is retiring from the practice of social work.
10. In resolution of this matter, Respondent Darlene A. Daley, 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. By the conduct described in the Findings of Fact, Darlene A. Daley engaged in unprofessional conduct as defined in Wis. Admin. Code § MPSW 20.02(22) by failing to take direct action to protect patient safety.

3. As a result of the above violation, Darlene A. Daley is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Darlene Daley is REPRIMANDED.

3. The certificate as a social worker granted to Darlene Daley (certificate number 7429-120) is LIMITED as follows:

a. Within six months of the date of this Order, Respondent shall successfully complete 3 hours of education on the topic of patient safety/recognizing and responding to risky behaviors, offered by a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam offered for the courses.

b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's certificate after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Darlene Daley shall pay COSTS of this matter in the amount of \$1100.00.

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 may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's certificate. 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 the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's certificate (no. 7429-120) 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 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

11-17-15
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 DISCIPLINARY
PROCEEDINGS AGAINST

DARLENE A. DALEY,
RESPONDENT.

STIPULATION

0004383

Division of Legal Services and Compliance Case No. 13 SOC 094

Respondent Darlene A. Daley, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

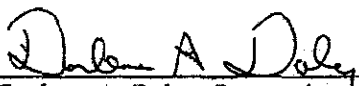
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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. Respondent is represented by attorney Patrick Knight.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the 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.

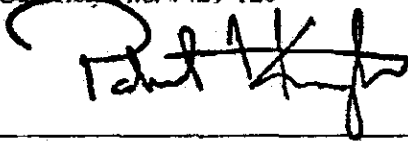
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



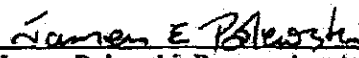
Darlene A. Daley, Respondent
W169N11508 Biscayne Drive
Germantown, WI 53022
Certificate no. 7429-120

Oct 23, 2015
Date



Patrick Knight
Gimbel, Reilly, Guerin & Brown, LLP
Two Plaza East, Suite 1170
330 E Kilbourn Avenue
Milwaukee, WI 53202

October 27, 2015
Date



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

October 16, 2015
Date