

## 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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
KATHLEEN E. ROBERTS, L.C.S.W., : FINAL DECISION AND ORDER  
RESPONDENT. :

**0004387**

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Division of Legal Services and Compliance Case No. 14 SOC 296

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

Kathleen E. Roberts, L.C.S.W.  
N5182 Innsbruck Rd.  
West Salem, WI 54669

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 Board 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 E. Roberts, L.C.S.W., (dob October 20, 1952) is licensed in the state of Wisconsin to practice social work, having license number 1366-123, first granted on October 14, 1993 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N5182 Innsbruck Road, West Salem, Wisconsin 54669.

2. At all times relevant to this proceeding, Respondent was employed as a licensed clinical social worker at Franciscan Healthcare, located in La Crosse, Wisconsin.
3. From November 2011 to February 2014, Respondent provided counseling to Patient A.
4. At some point in 2012, Respondent provided Patient A with her personal email address.
5. Over the course of a year Respondent and Patient A exchanged numerous emails including the following:
  - a. On Saturday July 21, 2012, at 7:29 p.m., Respondent wrote "My heart will be with you....Hugs...".
  - b. On Sunday July 22, 2012, at 5:13 p.m., Respondent wrote "Be well my dear....I am right 'there' with you!".
  - c. On Friday October 12, 2012, at 1:59 p.m., Respondent discussed her upcoming trip to Door County with her family. Respondent was not at work during this time as she states in her email that she is "sitting at the Toyota shop".
  - d. On Friday October 12, 2012, at 3:59 p.m., Respondent wrote "You can just join my other 'daughters' I have.....lol".
  - e. On Thursday October 22, 2012, at 1:36 p.m., Respondent wrote to Patient A and two other people "You ladies are so wonderful!!!! Thank you for so much...the decorations...the wonderful cake....an most of all, to be part of your lives. I love you guys more then [sic] you know....Hugs".
  - f. On Monday October 15, 2012, in two separate emails Respondent wrote "Hugs....proud of your...love you too"; and "hugs and loves...so proud of you".
  - g. Between October 15 -16, 2012, in several emails Respondent discusses personal information regarding her cat.
  - h. While in Door County, Respondent and Patient A exchanged several emails discussing what each other was doing.
6. Throughout the email exchanges, Respondent continually encouraged Patient A to email her, exchanged emails outside business hours, and often closed her emails by writing "Hugs".
7. Patient A expressed her "love for" and "friendship" with Respondent in numerous emails.

8. Respondent gave Patient A a card in which she wrote "Thank you so much for your kindness!! The food was amazing... the gifts were thoughtful... It's a pleasure to be your friend. Love Kathy".

9. Respondent sent picture messages of a woman and a baby from her cellular phone to Patient A on the following dates:

- a. July 5, 2013 (2 pictures)
- b. July 6, 2013 (2 pictures)
- c. July 19, 2013
- d. August 18, 2013
- e. September 14, 2013

10. 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, Kathleen E. Roberts, L.C.S.W., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. As a result of the above violations, Kathleen E. Roberts, L.C.S.W., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Kathleen E. Roberts, L.C.S.W., is REPRIMANDED.
3. The license to practice social work issued to Kathleen E. Roberts, L.C.S.W., (license number 1366-123) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete eight (8) hours of remedial education on the topic of maintaining professional boundaries, offered by a provider pre-approved by the Section's monitoring liaison. Successful completion includes 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 license 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, Kathleen E. Roberts, L.C.S.W., shall pay COSTS of this matter in the amount of \$280.00.

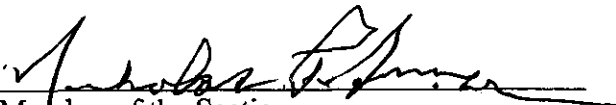
5. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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](mailto: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 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 ordered education as set forth above, Respondent's license (no. 1366-123) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KATHLEEN E. ROBERTS, L.C.S.W.,  
RESPONDENT.

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:  
:  
:  
:  
:

STIPULATION

0004387

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Division of Legal Services and Compliance Case No. 14 SOC 296

Respondent Kathleen E. Roberts, L.C.S.W., 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 Barbara Saathoff.

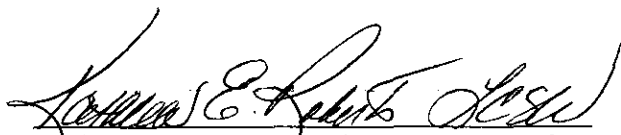
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision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

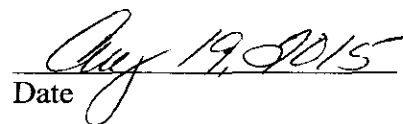
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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 or Respondent's attorney, 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.

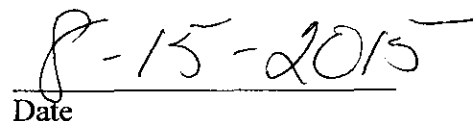
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

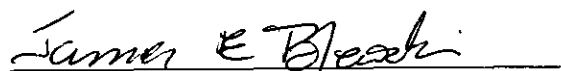
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

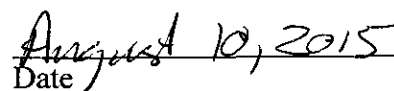
  
Kathleen E. Roberts, L.C.S.W., Respondent  
N5182 Innsbruck Rd.  
West Salem, WI 54669  
License no. 1366-123

  
Date

  
Barbara Saathoff, Attorney for Respondent  
Mayo Clinic Health Systems – Franciscan Healthcare  
700 West Ave. South  
La Crosse, WI 54601

  
Date

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

  
Date