

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 :
 : FINAL DECISION AND ORDER
SYDNEY A. WHALEY, :
RESPONDENT. :

0004492

Division of Legal Services and Compliance Case No. 15 SOC 040

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

Sydney A. Whaley
919 Gould St., #18
La Crosse, WI 54603

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 Sydney A. Whaley (dob September 7, 1962) is certified in the state of Wisconsin to practice social work, having certificate number 8714-120, first granted on November 26, 2004, and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 919 Gould Street, #18, La Crosse, Wisconsin 54603.

2. Upon information and belief, Respondent's current address is 12073 Park Ridge Drive, Trempealeau, Wisconsin 54661-9131.

3. At all times relevant to this proceeding, Respondent was employed as an activity aide at a nursing home (Home), located in La Crosse, Wisconsin.

4. On May 12, 2015, Respondent resigned her employment.

5. After Respondent's last day of employment, staff could not locate the activity assessments which were kept in Respondent's office.

6. Respondent was contacted about the location of the activity assessments and admitted in a reply email that she destroyed them prior to leaving the Home on her last day.

7. The U.S. Department of Health & Human Services specifies protected health information as "individually identifiable health information" that relates to the following:

- a. An individual's past, present, or future physical, mental health or condition;
- b. The provision of healthcare to the individual; and
- c. The past, present or future payment for the provision of healthcare to the individual.

8. The activity assessments contained sections staff filled out with the residents, including, but not limited to, adaptive equipment, general functioning level and dietary restrictions, and are considered protected health information.

9. Respondent did not have authority to destroy the activity assessments.

10. Respondent wishes to voluntarily surrender her certification to practice social work.

11. In resolution of this matter, Respondent neither admits nor denies the above allegations, but 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).

ORDER

1. The attached Stipulation is accepted.

2. The permanent SURRENDER of the certificate to practice social work in the state of Wisconsin issued to Sydney A. Whaley (certificate no. 8714-120) is hereby accepted.

3. This SURRENDER constitutes the permanent relinquishment of Respondent's credential to practice social work in the state of Wisconsin.

4. Respondent shall immediately return all indicia of Wisconsin licensure 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

5. 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

1-27-16
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

SYDNEY A. WHALEY,
RESPONDENT.

:
:
:
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:
:

STIPULATION

0004492

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Respondent Sydney A. Whaley 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 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.

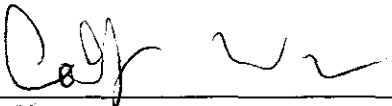
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Sydney A. Whaley, Respondent
12073 Park Ridge Dr.
Trempealeau, WI 54661-9131
Certificate no. 8714-120

11-14-15
Date



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

12/4/15
Date