

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

LINDA C. YANAK,
RESPONDENT.

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: FINAL DECISION AND ORDER
:
:

0004493

Division of Legal Services and Compliance Case No. 14 SOC 010

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

Linda C. Yanak
945 Jackson Street
Green Bay WI 54301

Social Worker Section
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 Linda C. Yanak (DOB September 19, 1962) is licensed by the State of Wisconsin to practice as a licensed clinical social worker, having license number 7111-123, first granted on July 29, 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 945 Jackson Street, Green Bay, Wisconsin 54301.

2. Respondent was employed as a licensed clinical social worker at Sherman Consulting Services, Appleton, Wisconsin, from May 28, 2013, through August 21, 2013.

3. On January 21, 2014, Respondent's former employer reported that Respondent was unable to focus on even simple tasks, and that she had, on one occasion, removed all of the clocks from around the office and placed them in one room.

4. Beginning in February 2014, Respondent had multiple contacts with a Department investigator about the complaint regarding her practice of clinical social work. In the course of those contacts with the Department, Respondent stated that she has obsessive compulsive disorder, and that she did move all of the clocks in the office to one room because the ticking bothered her. Respondent further stated that she had discussed her own and a co-worker's personal life with clients, that she had missed sessions with clients, and that her charting of sessions was "an issue" with her former employer.

5. Respondent told the Department investigator that the August 21, 2013, termination of employment was the first time she had ever lost a job involuntarily.

6. On investigation, the Department learned that Respondent had been terminated by previous employers on at least three occasions.

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, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Linda C. Yanak's license (number 7111-123) is LIMITED by the following conditions:

3. Respondent shall undergo an evaluation by Kevin W. Miller, Ph.D., to determine whether or not Respondent is affected by a mental health condition which

renders Respondent unable to practice clinical social work with minimally competent skill and with safety to patients.

- a. While Dr. Miller remains responsible for the final evaluation, he may delegate testing or other components of the evaluation to other mental health professionals who he deems competent to conduct those tests or perform the delegated task.
- b. The specific tests chosen for administration are within Dr. Miller's discretion. However, the evaluation must include a comprehensive interview of Respondent and the use of rating scales, neuropsychological testing, and personality tests.¹
- c. The evaluation shall include an assessment of Respondent's ability to appropriately manage her psychological condition, and a detailed assessment of the medical and psychological treatment and counseling appropriate to maintain Respondent's ability to practice with safety to patients and the public. Respondent shall facilitate Dr. Miller's consultation with Respondent's treating psychiatrist and therapists as necessary to complete this facet of the evaluation.
- d. Within thirty (30) days of the completion of the evaluation, but not later than March 15, 2016, Dr. Miller shall submit a written report of the evaluation to the Department Monitor.
- e. Dr. Miller shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice clinical social work with reasonable skill and safety.

¹ Commonly used tests include the Beck Anxiety Inventory, Beck Depression Inventory-II, Brief Psychiatric Rating Scale (BPRS), Burns Anxiety Inventory, Burns Depression Inventory, Hamilton Anxiety Rating Scale, Hamilton Depression Rating Scale, Inventory to Diagnose Depression, Profile of Mood States (POMS), State-Trait Anxiety Inventory (STAI), Symptom Checklist-90-Revised, Taylor Manifest Anxiety Scale, Yale-Brown Obsessive-Compulsive Scale, Kaufman Adolescent and Adult Intelligence Test, Rorschach, Wechsler Adult Intelligence Scale-III or IV (WAIS-III or WAIS-IV), Wechsler Memory Scale IV (WMS-IV), Category Test, Continuous Performance Test, Halstead-Reitan Neuropsychological Test Battery, MMPI2, NEO Personality Inventory, PAI, and the Thematic Apperception Test.

- f. Dr. Miller shall identify specific mental health treatment goals and conditions which are necessary for Respondent to be able to practice clinical social work with reasonable skill and safety.
- g. Dr. Miller's opinions and conclusions must be rendered to a degree of reasonable professional certainty, and must include a detailed discussion of the bases of his opinions and conclusions.
- h. Respondent must provide Dr. Miller with a copy of this Order.
- i. Respondent shall authorize release directly to Dr. Miller of records of mental health evaluations, diagnosis, treatment and treatment summaries that Respondent has undergone since January 1, 2015, and such other records that Dr. Miller determines are necessary to a competent evaluation.
- j. Respondent is responsible for the costs associated with the evaluation.
- k. Respondent shall authorize Dr. Miller to discuss the results of the evaluation with the Board or its designee.
- l. Respondent shall conform her practice and her medical and psychological treatment to comply with the recommendations made by Dr. Miller, until and unless those recommendations are amended by Dr. Miller or the Section, at which time Respondent will comply with the recommendations as amended.

4. Within 90 days from the date of this Order, Respondent Linda C. Yanak shall pay COSTS of this matter in the amount of \$1000.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) and all reports or communications required by this Order, shall be sent by Respondent or Dr. Miller, as necessary to comply with the Order, 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 8935, Madison, WI 53708-8935
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 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 the costs as ordered, Respondent's license (no. 7111-123) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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 Board

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

LINDA C. YANAK,
RESPONDENT.

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STIPULATION

0004493

Division of Legal Services and Compliance Case No. 14 SOC 010

Respondent Linda C. Yanak, 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 Daniel L. Icenogle.


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.

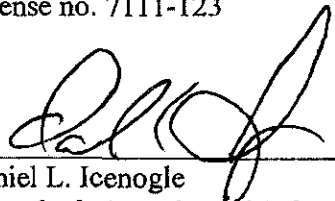
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation.

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.


Linda C. Yanak, Respondent
945 Jackson St.
Green Bay WI 54301
License no. 7111-123

11/14/2015
Date


Daniel L. Icenogle
Icenogle & Associates, LLC
S7563 Riley Road
Readstown, WI 54652

11/9/2015
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

Oct 8, 2015
Date