

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KAY E. LISICK, C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004867

Division of Legal Services and Compliance Case No. 15 RSA 020

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

Kay E. Lisick, C.S.A.C.
3152 28th St. S.
La Crosse, WI 54601

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kay E. Lisick, C.S.A.C., (dob January 18, 1983) is certified in the state of Wisconsin as a clinical substance abuse counselor, having certificate number 15379-132, first issued on March 31, 2009 and current through February 28, 2017. Respondent is also certified as an intermediate clinical supervisor, having certificate number 15383-134, first issued on March 18, 2011 and current through February 28, 2017. Respondent's most recent address on file with the Department is 3152 28th Street South, La Crosse, Wisconsin 54601.

2. On June 20, 2014, Respondent received text messages from her friend, S.G., a credentialed social worker in the state of Wisconsin, which contained confidential information from an electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS) report. The report pertained to a child protective services investigation of a sexual assault of Child A.

3. The confidential information S.G. shared with Respondent included the agency that interviewed Child A, the name of the doctor who was going to perform Child A's sexual assault examination, and that Child A's mother was not the person that reported the assault.

4. Respondent's significant other is Child A's father. He was in jail awaiting trial on charges of sexually abusing Child A, and was eventually convicted of sexually abusing Child A.

5. On June 20, 2014, at 7:45 a.m., Respondent, during a recorded jail telephone call, shared confidential information from the eWiSACWIS report with her significant other. During the phone call Respondent stated the following:

I got to see a report today. It doesn't look good. As a matter of fact, on a scale from one to ten and ten being the worst reports I've ever seen, it's probably seven and a half. And, Nikki didn't report. She was not the person who reported... So you can let go of that grudge because that didn't happen.

...

I got to see the transcripts from the forensic interviews and they're not good. Well they did a forensics interview and then they did a second forensics interview. The story didn't change. They did a sane exam. Do you know what a sane exam is? . . . It's a sexual assault and abuse screening. So they called her into pediatrics for that. When that came back today they changed your charges from second degree to first degree.

6. When asked if Respondent got to see the report because the significant other's kids got it, Respondent replied,

No...I got a copy of the report because I happened to see S.B. at the end of the day and she said 'Just so you know the report is back. It's 90% finished and about 10% that we'll add before Tuesday. She said, 'Do you want to read through it.' I got about halfway through it and threw up...I'm telling you it was hard to read.

7. Respondent was not the assigned case worker and did not have authorization to possess or release confidential information.

8. S.G. and S.B. did not have authorization to share information from Child A's case with Respondent.

9. On September 25, 2016, Respondent, in an interview with a Department investigator, denied ever seeing any reports or other documents related to the investigation.

10. On December 17, 2015, Respondent, during a second interview with a Department investigator, indicated that she believed all the information she obtained from S.G. and S.B. was okay to share with her significant other and denied that any of the information that she disclosed was confidential.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, 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, Kay E. Lisick, C.S.A.C., violated Wis. Stat. § 48.981(7)(f), by disseminating confidential information contained in reports and records to unauthorized persons.

3. By the conduct described in the Findings of Fact, Kay E. Lisick, C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(b), by violating, or aiding and abetting a violation of any law or rule substantially related to practice as a substance abuse professional.

4. As a result of the above violations, Kay E. Lisick, C.S.A.C., is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The certificates to practice as a clinical substance abuse counselor and intermediate clinical supervisor in the state of Wisconsin issued to Kay E. Lisick, C.S.A.C., (certificate nos. 15379-132 and 15383-134) are SUSPENDED for a period of thirty (30) days from the date of this Order.

3. Respondent shall not engage in the practice of clinical substance abuse counseling or intermediate clinical supervisor in the state of Wisconsin while her certificates to do so are suspended.

4. The certificates to practice as a clinical substance abuse counselor and intermediate clinical supervisor in the state of Wisconsin issued to Kay E. Lisick, C.S.A.C., (certificate nos. 15379-132 and 15383-137) are limited as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of ethics and four (4) hours of education on the topic of confidentiality offered by a

provider pre-approved by the Department'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.
- c. 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 Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's certificate after satisfying the Department that Respondent has successfully completed all of the ordered education.
- e. The education completed by Respondent pursuant to case no. 15 SOC 046 shall be accepted by the Department to fulfill this limitation.

5. Within ninety (90) days from the date of this Order, Kay E. Lisick, C.S.A.C., shall pay COSTS of this matter in the amount of \$505.00.

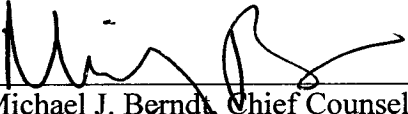
6. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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
DPSPMonitoring@wisconsin.gov

7. 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 Department 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 certificate (nos. 15379-132 and 15383-134) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has submitted proof of successful completion of the ordered education.

8. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Counsel
On Behalf of the Department

8/5/16
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KAY E. LISICK, C.S.A.C.,
RESPONDENT.

:
:
: STIPULATION
:
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0004867

Division of Legal Services and Compliance Case No. 15 RSA 020

Respondent Kay E. Lisick, C.S.A.C., 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 Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

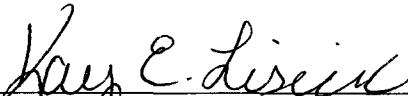
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

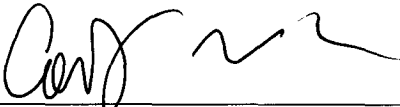
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.




Kay E. Lisick, C.S.A.C., Respondent
3152 28th St. S.
La Crosse, WI 54601
Certificate nos. 15379-132 and 15383-134

6/13/16

Date



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

 7/1/16

Date