

## 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

LINDA C. YANAK, L.C.S.W. :  
RESPONDENT :

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ORDER **0004493**

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

LINDA YANAK, LCSW  
945 JACKSON STREET  
GREEN BAY, WI 54301

SOCIAL WORKER SECTION  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WI 53708-8935

DIVISION OF LEGAL SERVICES AND COMPLIANCE  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES  
P.O. BOX 7190  
MADISON, WI 53707-7190

INTRODUCTION

On January 27, 2016, the Wisconsin Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section) issued a Final Decision and Order, Order number 4493<sup>1</sup>, limiting Respondent's Clinical Social Worker license with certain terms and conditions including, completion of an evaluation 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 safety to patients. Order 4493 also required Respondent to conform her practice and her medical and psychological treatment to comply with the recommendations made by the evaluator, Dr. Stuart Waltonen, Ph.D.<sup>2</sup>

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<sup>1</sup> A Copy of Order 4493 is attached and incorporated by reference.

<sup>2</sup> Due to the unavailability of Dr. Kevin Miller, PhD, the Section approved Dr. Stuart Waltonen, PhD, to conduct the fitness to practice evaluation.

On November 2, 2017, the Section considered Respondent's request to return to social work practice. Based upon the information of record and the fitness for duty evaluation, dated August 2, 2017, the Section and Respondent stipulated to the terms and conditions set forth in the order below.

### CONCLUSIONS OF LAW

- I. The Social Worker Section 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. §§ 15.08(5)(c) and 227.44(5).
- II. Pursuant to order number 4493, Respondent shall conform her practice and her medical and psychological treatment to comply with the recommendations made by the evaluator, until and unless those recommendations are amended by the evaluator or the Section.

### ORDER

1. Respondent's fitness to practice evaluation indicates, to the satisfaction of the Section, that Respondent does not suffer from any illness or condition that renders her unable to practice clinical social work with minimally competent skill and safety to patients.
2. The Section deems the following conditions and limitations necessary for Respondent to comply with the recommendations of the fitness to practice evaluator and to address the Section's concerns related to the conduct set out in the findings of fact. Respondent's Clinical Social Worker license (#7111-123) is further LIMITED as follows:

#### Psychiatric Treatment:

3. Within thirty (30) days from the date of this order, Respondent shall provide proof to the Department of Safety and Professional Services Monitor (Department Monitor) that she is continuing psychiatric treatment with a psychiatric treatment provider, whose credential is in good standing, and approved by the Section or its designee. Respondent shall immediately provide her psychiatric treatment provider with a copy of her order(s), the fitness for duty evaluation report, and a release authorizing the psychiatrist to discuss the progress of Respondent's treatment with the Section, its designee, and the Department Monitor.
  - a. Respondent shall comply with taking medications as prescribed, participate in, cooperate with, and follow all treatment recommended by her psychiatric treatment provider.

- b. Therapy shall include individual sessions at a frequency determined by the psychiatric treatment provider, but not less than once a quarter.
- c. The psychiatric treatment provider shall submit quarterly reports as directed by the Department Monitor. It is Respondent's responsibility to ensure the reports are submitted when due. The psychiatric treatment provider shall immediately report any unprofessional conduct or suspected violation of this Order.
- d. If Respondent's psychiatric treatment provider is unable or unwilling to serve as Respondent's psychiatric treatment provider, Respondent shall immediately seek approval of a successor psychiatric treatment provider approved by the Section or its designee.

Therapeutic Treatment:

- 4. Within thirty (30) days from the date of this order, Respondent shall provide proof to the Department Monitor that she has begun or is continuing treatment with a psychotherapist, whose credential is in good standing, and approved by the Section or its designee. Respondent shall immediately provide the psychotherapist with a copy of her order(s), the fitness for duty evaluation report, and a release authorizing the psychotherapist to discuss the progress of Respondent's treatment with the Section, its designee, and the Department Monitor.
  - a. Respondent's treatment shall include, but is not limited to:
    - i. Cognitive behavioral therapy,
    - ii. Reducing Respondent's anxiety,
    - iii. Coping effectively with Respondent's emotional responses to boundary violation-like behavior and situations, and
    - iv. Understanding and avoiding dual relationships.
  - b. Therapy shall include individual sessions at a frequency determined by the psychotherapist, but not less than once a month.
  - c. The psychotherapist shall submit quarterly reports as directed by the Department Monitor. It is Respondent's responsibility to ensure the reports are submitted when due. The psychotherapist shall immediately report any unprofessional conduct or suspected violation of this Order.

- d. If Respondent's psychotherapist is unable or unwilling to serve as Respondent's psychotherapist, Respondent shall immediately seek approval of a successor psychotherapist approved by the Section or its designee.

Practice Limitations:

- 5. Respondent shall practice only under the supervision of a credentialed social worker or other licensed health care professional, with an unencumbered credential, approved by the Section or its designee.
  - a. Respondent shall practice only in a work setting pre-approved by the Section or its designee. Requests for preapproval must be accompanied by current job description, name and contact information of Respondent's supervisor.
  - b. Respondent shall provide a copy of the Final Decision and Order dated January 27, 2016, this Order, and all other subsequent orders immediately to supervisor personnel at all settings where Respondent works as a Licensed Clinical Social Worker, currently or in the future. Respondent shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for current employment.
  - c. It is Respondent's responsibility to arrange for written reports from her supervisor to be provided to the Department Monitor on a quarterly basis. These reports shall assess:
    - i. Respondent's work performance,
    - ii. Describe the circumstances of Respondent's employment, including the nature and extent of Respondent's practice of social work,
    - iii. Discuss the development and implementation of plans to deal with boundary violations and documentation issues,
    - iv. Provide an opinion as to Respondent's ability to engage in safe practice of social work with accommodations and supervision, and
    - v. Any other information the Section requests.
  - d. After the timely submission of four (4) consecutive satisfactory work reports, and with a written recommendation from the supervisor expressly supporting the request, Respondent may submit a request for the termination of this limitation.

Professional Mentor:

6. Respondent shall engage the services of a credentialed social worker, pre- approved by the Section or its designee, who will serve as a professional mentor. Respondent's supervisor may be approved to serve in this capacity. The mentor shall not have any current or prior relationship with Respondent that could reasonably be expected to compromise the ability to render fair and unbiased reports to the Department. The mentor must be sufficiently skilled and qualified to consult with Respondent in relation to her social work practice and other professional activities. Prior to commencement of the mentorship, the proposed mentor shall confirm, in writing, that he or she has read the Final Decision and Order and agrees to serve as Respondent's mentor.
  - a. The professional mentor shall meet with Respondent at least once monthly to review patient health care records of all patients seen by Respondent within the last month, for at least two (2) years. The mentor shall offer feedback and direction to Respondent as necessary for the purposes of improving Respondents practice, and ensuring compliance with the standards of the profession.
  - b. The professional mentor shall submit quarterly reports identifying the number of meetings that have occurred and addressing Respondent's professional performance and practice. It is Respondent's responsibility to ensure the reports are timely submitted to the Department Monitor. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order.
  - c. Respondent is responsible for any and all cost associated with the services of the professional mentor.
  - d. After the timely submission of eight (8) consecutive satisfactory mentor reports, and with a written recommendation from the professional mentor expressly supporting the request, Respondent may submit a request for the termination of this limitation.

Education:

7. Within ninety (90) days from the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of boundaries in social work practice and six (6) hours education on the topic of clinical documentation.
  - a. Each course attended in satisfaction of this requirement must be pre- approved by the Section or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Section for obtaining the required approval of the course(s) from the Section or its designee.

- b. Respondent must take and pass any exam offered for the courses.
- c. 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.
- d. 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 the Department, and may not be used in future attempts to upgrade a credential in Wisconsin.

#### Required Reporting by Respondent

- 8. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the psychiatric treatment provider, psychotherapist, supervisor, or professional mentor to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.
- 9. Respondent shall report to the Section any change of employment status, residence, address or telephone number within five (5) days of the date of the change.

#### Petitions for Modification of Limitations or Termination of Order

- 10. Respondent may petition the Section on an annual basis for modification of the terms of this Order, but no petition for modification shall be considered sooner than one (1) year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
- 11. Respondent may petition the Section for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the Order for at least two (2) years.
  - a. Any petition for modification or termination of this order shall include:
    - i. A written recommendation from Respondent's psychotherapist confirming that all treatment goals have been met, that Respondent's mental disorder no

longer precludes unrestricted, independent practice, and that she is able to engage in safe practice without supervision.

- ii. A written recommendation from Respondent's psychiatric treatment provider confirming that all treatment goals have been met, that Respondent's mental disorder no longer precludes unrestricted, independent practice, and that she is able to engage in safe practice without supervision.

#### Costs of Compliance

12. Respondent shall be responsible for all costs and expenses incurred in conjunction with the psychiatric treatment, psychotherapy, professional mentor, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

#### Additional Discipline

13. In the event Respondent violates any term of this Order, Respondent's license may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has provided proof, which is determined by the Section or its designee to be sufficient, that Respondent is in compliance with the terms of the Order. The Section may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

#### Department Monitor

14. Any requests, petitions, reports and other information required by all orders shall be mailed, emailed, faxed or delivered to:

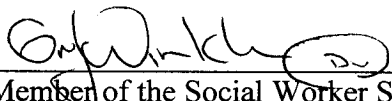
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov



15. All other terms and conditions of Order 4493 remain in full force and effect.

16. This order is effective the date of its signing.

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

By:   
A Member of the Social Worker Section

Date: 2/9/18

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 THE DISCIPLINARY  
PROCEEDINGS AGAINST

LINDA C. YANAK, L.C.S.W.  
RESPONDENT

STIPULATION

0004493

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Social Worker Section (Section) as follows:

The Respondent has filed a petition to the Section to resume her practice as a Licensed Clinical Social Worker. Included in Respondent's petition was a copy of the fitness to practice assessment as required by Order number 4493. Order 4493 further requires Respondent conform her practice and her medical and psychological treatment to comply with the recommendations made by the evaluator. Based upon the information of record, the Section and Respondent agree to the terms and conditions set forth in the attached Order.

Dated this 10<sup>th</sup> day of January, 2018

Linda C Yanak  
Linda Yanak, LCSW, Respondent

STATE OF WISCONSIN  
SOCIAL WORKER SECTION

Dated this 9 day of February, 2018

By: [Signature]  
Member of the Section