

## 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 LICENSE OF :  
JACQUELINE D. WEEDEN, L.C.S.W., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
: **0005822**

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Division of Legal Services and Compliance Case No. 17 SOC 024

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

Jacqueline D. Weeden, L.C.S.W.  
N67 W222 Evergreen Boulevard, Suite 111  
Cedarburg, WI 53012

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. Licensee Jacqueline D. Weeden, L.C.S.W., (dob July 10, 1949) is licensed in the state of Wisconsin to practice clinical social work, having license number 7199-123, first issued on May 3, 2005, and current through February 28, 2019.
2. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N67 W222 Evergreen Boulevard, Suite 111, Cedarburg, Wisconsin 53012.

3. Licensee has never been the subject of any prior complaints or discipline.
4. At all times relevant to this proceeding, Licensee was employed as a social worker at a clinic, located in Cedarburg, Wisconsin.
5. On August 20, 2015, Patient A was in a car accident that caused her to be nervous and anxious while driving.
6. On January 25, 2016, Patient A was seen by Licensee for treatment regarding a number of accident and non-accident related concerns.
7. Licensee saw Patient A on three more occasions: February 3, 2016, February 8, 2016, and June 15, 2016.
8. As a result of the accident, Patient A and her husband retained counsel in anticipation of a possible lawsuit.
9. On February 5, 2016, Licensee received a request from a law firm (the law firm), acting on Patient A's and her husband's behalf, which Licensee interpreted as a request to serve as an expert witness for Patient A's legal case. The request received only included a request for "records, correspondence, intake forms, notes, radiology studies and reports, etc., in your possession and billing for medical treatment" related to Patient A for use at trial. The request indicated that the records would be used in litigation "without the need for testimony from the health care provider." Accompanying the letter was a valid Authorization for Release of Medical Information.
10. Licensee had concern that the disclosure of the actual notes to an attorney representing both Patient A and her husband would present a significant risk to Patient A's safety, so Licensee called the law firm and asked to speak with the attorney. The attorney would not speak with Licensee. Licensee suggested that she would write a letter addressing Patient A's PTSD issues in detail. An employee of the firm, who was not an attorney, indicated that she would review this information and follow up with Licensee.
11. On August 1, 2016, Licensee was sent a letter by the law firm, which included an authorization for release of medical information signed by Patient A, requesting Patient A's records.
12. On September 27, 2016, Licensee received a phone call from the law office requesting Patient A's file. Licensee suggested the law firm use the assessment letter she wrote on February 25, 2016, and suggested the use of a psychologist who could provide expert witness testimony for the court.
13. On December 5, 2016, Licensee's business office received a facsimile from the law firm requesting Patient A's case notes from her file.

14. On December 14, 2016, Licensee received a letter, via facsimile, from the law firm requesting an invoice so that the law firm could provide the necessary pre-payment for the records. Licensee had previously sent detailed information regarding the case without expecting payment for this service.

15. Licensee did not release any documents from Patient A's file as she thought disclosure of the actual notes to an attorney representing both Patient A and her husband would present a significant risk to Patient A's safety.

16. It is alleged that there was no lawful justification for Patient A's records to be withheld. Licensee adamantly denies any wrongdoing and believes her refusal to release the records was lawful under an exception to HIPAA.

17. Licensee denies all wrong-doing but to avoid the costs and uncertainty associated with litigation, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSION 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. Within six (6) months of the date of this Order, Jacqueline D. Weeden, L.C.S.W., shall at her own expense take and successfully complete four (4) hours of education on the topic of ethics and four (4) hours of education on the topic of practice management, which shall include a section on releasing records, as follows:


- a. Each course attended in satisfaction of this Order must be pre-approved by the Section or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Section and for obtaining the required approval of the courses from the Section or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee shall submit proof of successful completion of the 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 Section or Department.

3. Request for approval of courses and proof of successful course completion shall be sent by Licensee 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

4. 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

7/24/18  
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 THE LICENSE OF

JACQUELINE D. WEEDEN, L.C.S.W.,  
LICENSEE.

STIPULATION

000582

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Division of Legal Services and Compliance Case No. 17 SOC 024

Licensee Jacqueline D. Weeden and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

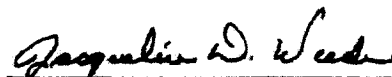
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
  - the right to a hearing on the allegations against Licensee, 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 Licensee;
  - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
  - the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Amy F. Scholl.
4. Licensee 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. Licensee 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 Licensee or Licensee'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. Licensee 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 Licensee in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

  
Jacqueline D. Weeden, Licensee  
N67 W222 Evergreen Boulevard, Suite 111  
Cedarburg, WI 53012  
License no. 7199-123

7.10.18  
Date

  
Amy F. Scholl, Attorney for Licensee  
Coyne, Schults, Becker & Bauer, S.C.  
150 E. Gilman Street, Suite 1000  
Madison, WI 53703

7/12/18  
Date

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

7/12/18  
Date