

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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 LICENSE OF :
MICHAELE L. SHIPWAY, L.C.S.W., : FINAL DECISION AND ORDER
RESPONDENT. : FOR REMEDIAL EDUCATION
: **ORDER 0006316**

Division of Legal Services and Compliance Case No. 17 SOC 013

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

Michael L. Shipway, L.C.S.W.
824 Broadway Ave.
Wausau, WI 54403

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 Michael L. Shipway, L.C.S.W., (DOB 06/11/1958) is licensed in the state of Wisconsin to practice social work, having license number 305-123, first granted on August 3, 1993, and current through February 28, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 824 Broadway Avenue, Wausau, Wisconsin 54403. There have been no prior disciplinary actions against the Respondent.

ORDER 0006312

2. At all times relevant to this proceeding, Respondent was employed as a licensed clinical social worker at a counseling center (Center) located in Wausau, Wisconsin.

3. On or about May 10, 2016, Patient A completed an intake interview and evaluation at the Center.

4. Respondent reviewed the intake interview and evaluation and diagnosed Patient A with Intermittent Explosive Disorder (I.E.D.).

5. In her response to the present complaint, Respondent stated that, as Patient A's treatment progressed, it became clear that Patient A's symptoms were not related to P.T.S.D. or a traumatic brain injury and that the diagnosis of I.E.D. was appropriate.

6. On or about October 8, 2016, Patient B, Patient A's wife, spoke with Respondent and asked that she change Patient A's diagnosis as Patient B believed that the correct diagnosis should be a traumatic brain injury and P.T.S.D.

7. Patient B was concerned that Patient A's diagnosis of I.E.D. would affect the Wisconsin Board of Nursing's decision to grant a nursing license to Patient A.

8. Respondent consulted with two co-facilitators at the Center about whether amending Patient A's diagnosis was appropriate. Respondent also believed that Patient B's opinion was important as she is a licensed professional counselor.

9. Respondent did not create an amended diagnosis for Patient A. Instead, Respondent revised the original assessment and saved the new assessment over the original document.

10. In her response to the present complaint, Respondent stated that the original document was modified, and not amended, to prevent the first diagnosis of I.E.D. from negatively affecting Patient A's ability to become a licensed nurse. Respondent believed that if she had amended the diagnosis, the Wisconsin Board of Nursing would still see the original diagnosis.

11. After replacing the original assessment with the new assessment, Respondent called Patient B, advised Patient B of the modification of the original assessment, and asked Patient B to return Patient A's original intake assessment so that it could be replaced with the new assessment.

12. Respondent believed her actions were in the best interest of Patient A.

13. 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 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, Michael L. Shipway, L.C.S.W., violated Wis. Admin. Code § 20.02(7).

3. By the conduct described in the Findings of Fact, Michael L. Shipway, L.C.S.W., violated Wis. Admin. Code § 20.02(22).

4. As a result of the above violations, Michael L. Shipway, L.C.S.W., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael L. Shipway, L.C.S.W., is REPRIMANDED.

3. The license to practice social work in the state of Wisconsin issued to Michael L. Shipway, L.C.S.W., (license number 305-123) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of ethics and three (3) hours of education on the topic of documentation.
- b. Each course attended in satisfaction of this Order must be pre-approved by the Section or its designee. Respondent 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. Respondent must take and pass any exam offered for the course(s).
- c. Respondent 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.
- 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 Department.

4. Within 120 days from the date of this Order, Michael Shipway, L.C.S.W., shall pay COSTS of this matter in the amount of \$1,697.29.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), request for approval of courses, and proof of successful course completion 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
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here:

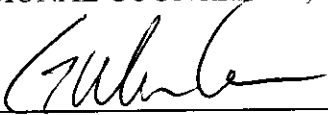
<https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (305-123), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board 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.

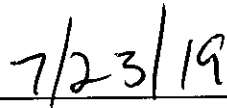
7. This Order is effective on the date of its signing.

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

by:


A Member of the Section

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

MICHAELE L. SHIPWAY, L.C.S.W.,
RESPONDENT.

:
:
:
:

STIPULATION

ORDER 0006316

Division of Legal Services and Compliance Case No. 17 SOC 013

Respondent Michaele L. Shipway, L.C.S.W. 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 Attorney Frederick Strampe.
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.

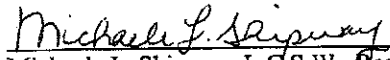
ORDR0000310

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.

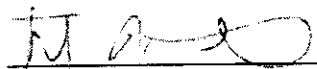
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or Respondent's 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.

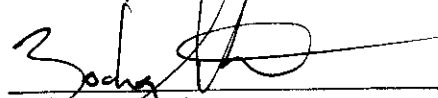
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.


Michael L. Shipway, L.C.S.W., Respondent
824 Broadway Ave.
Wausau, WI 54403
License no. 305-123

2/11/2019
Date


Frederick Strampe, Attorney for Respondent
Borgelt Powell Peterson & Frauen, S.C.
1243 N. 10th St., Ste 300
Milwaukee, WI 53205

2-12-19
Date


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

2-13-19
Date