

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

YOLANDA GARBER, S.W.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007832

Division of Legal Services and Compliance Case No. 19 SOC 058

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

Yolanda Garber, S.W.
Weston, WI 54476

Wisconsin Social Worker Section of the 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 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. Yolanda Garber, S.W. (Respondent), (Year of Birth 1967) is certified in the state of Wisconsin as a social worker, having certificate number 7532-120, first issued on June 14, 2001, and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Weston, Wisconsin 54476.

2. At all times relevant to this proceeding, Respondent was employed as a social worker at a county agency (Agency), located in Whitehall, Wisconsin.

3. On June 5, 2019, Respondent met with her supervisor and the Agency's Human Services Director regarding concerns identified during a review of Respondent's charts including length of time between visits and the amount of routine contact. Client files were also missing required documentation, including updated recovery plans, functional screens, and updates to assessments.

4. Respondent told her supervisor that the missing documentation was in a separate file on her desk, and Respondent's supervisor gave her until the end of the day to produce it. Respondent was unable to produce the required documentation by the end of the day.

5. On June 7, 2019, Respondent produced some, but not all, of the missing documents. Respondent was placed on a 30-day Performance Improvement Plan, in part to improve documentation and communication with clients. Later that day, Respondent gave a two-week notice of resignation.

6. On June 10, 2019, Respondent called in sick. On June 11, 2019, Respondent resigned from her position at the Agency, effective immediately. Respondent had scheduled appointments with clients later in the week but did not provide her supervisor or co-workers with notice of these appointments. As a result, client care was interrupted due to missed appointments.

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

CONCLUSIONS OF LAW

1. The 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. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § MPSW 20.02(18) by failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § MPSW 20.02(21) by failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the credential holder.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The certificate to practice social work issued to Respondent (no. 7532-120) is 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 social work documentation offered by a provider pre-approved by the Section'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 Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. The Section's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- e. This limitation shall be removed from Respondent's certificate and Respondent will be granted a full, unrestricted certificate after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$966.00.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's certificate (no. 7532-120) or Respondent's right to renew her certificate, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied 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.

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

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

By: Sherry S. Yang Date 2/11/2022
A Member of the Section

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

YOLANDA GARBER, S.W.,
RESPONDENT.

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STIPULATION

ORDER 0007832

Division of Legal Services and Compliance Case Nos. 19 SOC 058

Yolanda Garber, S.W. (Respondent), 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 Stacie Rosenzweig.

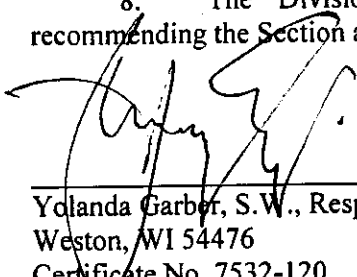
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision 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 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, 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.



Yolanda Garber, S.W., Respondent
Weston, WI 54476
Certificate No. 7532-120

6/14/21

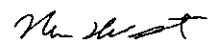
Date



Stacie Rozenzweig, Attorney for Respondent
Halling & Cayo, S.C.
320 E. Buffalo St., Ste 700
Milwaukee, WI 53202

6/14/21

Date



Nicholas Dalla Santa, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

6/15/2021

Date