

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

RUSSELL S. STRELNICK, L.C.S.W.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008374

Division of Legal Services and Compliance Case No. 21 SOC 053

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

Russell S. Strelnick, L.C.S.W.
Wauwatosa, WI 53213

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. Respondent Russell S. Strelnick, L.C.S.W., (Year of Birth 1952) is certified in the state of Wisconsin as a licensed clinical social worker, having certificate number 4149-123, first issued on August 7, 1995, 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 Wauwatosa, Wisconsin 53213.

2. At all times relevant to this proceeding, Respondent worked as a clinical social worker at an employee assistance program (EAP) located in Milwaukee, Wisconsin.

Prior Section Action

3. On April 14, 2020, the Section issued Final Decision and Order No. 6756 to resolve DLSC Case No. 18 SOC 031. The Order reprimanded Respondent and required that he complete education on the topic of protected health care information. Respondent, on three occasions after therapy sessions, had texted a patient to invite her to attend “sweat lodges” and “kirtan.” Respondent had been sending out generic, mass texts to individuals that he thought would be interested in the activities.

4. On May 18, 2020, the Section returned Respondent’s license to full, unrestricted status after Respondent submitted proof that he completed the required education.

21 SOC 053

1. Respondent provided counseling to a 36-year-old male patient (Patient A) through Patient A’s EAP. Due to the COVID-19 pandemic, the EAP discontinued in-office services, so Respondent offered the option of coming to Respondent’s home office when Patient A called to schedule his session.

2. On July 1, 2021, Patient A presented to Respondent’s home office. The session occurred in Respondent’s private backyard. Patient A alleges that Respondent instructed Patient A to move their chairs together and perform a “closed eyes” meditation, and then instructed Patient A to move their chairs to his backyard and place them side by side. Patient A alleges that Respondent asked Patient A questions which made him feel uncomfortable.

3. Respondent states that during the first half of the session, Patient A and Respondent faced each other sitting in the shade. Thereafter, they moved into the sun and positioned their chairs side-by-side so that neither would be looking into the sun when speaking.

4. Respondent has represented to the Department that he often instructs patients talk to themselves at the end of the session, with the following sentence stems:

“[Name], I care about myself because ____”;

“[Name], I apologize to myself for ____”;

“[Name], I forgive myself for ____”; and

“[Name], I am grateful for ____.”

5. Patient A alleges that Respondent failed to provide Patient A sufficient information about what the therapy session would entail.

6. After the appointment, Patient A asked Respondent what to do with a glass of water he did not finish drinking. Respondent told Patient A he could dump it in Respondent’s plants before he left. As Patient A bent down to water the plants, he heard Respondent adjust his belt.

7. Patient A alleges he felt uncomfortable and quickly left. Respondent has represented to the Department that Patient A did not leave abruptly, rather, Patient A made an appointment for the following week and returned the water cups to the house. The EAP later called to cancel Patient A's follow-up appointment.

8. Respondent denies Patient A's allegations and has represented to the Department that due to his recent knee surgery, he is using crutches, he walks with a limp, is slow to get up and down from chairs, and often has to adjust his belt in order to walk and sit comfortably because of his weight.

9. Respondent was terminated from participation as a provider in Patient A's EAP. Since August 16, 2021, Respondent has not been accepting any new clients for in-person counseling sessions and intends to only conduct counseling sessions remotely until his expected retirement from the practice of social work in approximately one year.

10. 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. § 456.26, 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 engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(12) by failing to provide the client or client's authorized representative a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f), (g), and (h) and Wis. Admin. Code § MPSW 20.02.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's certificate to practice as a licensed clinical social worker in the state of Wisconsin (certificate number 4149-123) is PERMANENTLY LIMITED as follows:

- a. Any and all in-person home visits by Respondent shall be conducted in the presence of another licensed social worker.
- b. All in-person visits by Respondent shall be limited to individuals who were his Respondent's clients as of July 1, 2021, and such visits will occur only in a non-residential office setting.

4. Respondent's certificate to practice as a licensed clinical social worker in the state of Wisconsin (certificate number 4149-123) is further LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of ethics, offered by a provider pre-approved by the Section monitoring liaison, including taking and passing any exam offered for the courses.
- b. 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. 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.
- c. The Section 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.
- d. This limitation shall be removed from Respondent's certificate after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,207.00.

6. 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>.

7. In the event Respondent violates any term of this Order, Respondent's certificate (number 4149-123), or Respondent's right to renew his 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.

8. 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: *Jenna R. Hansen*
A Member of the Section

1/24/2023
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

RUSSELL S. STRELNICK, L.C.S.W.,
RESPONDENT.

STIPULATION

ORDER 0008374

Division of Legal Services and Compliance Case No. 21 SOC 053

Respondent Russell S. Strelnick, 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 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

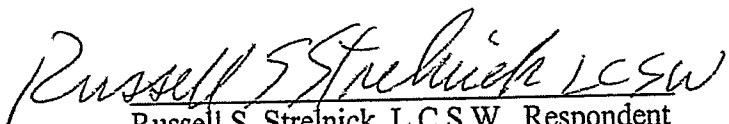
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 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. Respondent is further informed that should the Section adopt this Stipulation, the Section's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Russell S. Strelnick, L.C.S.W., Respondent
Wauwatosa, WI 53213
Certificate No. 4149-123

1-3-23
Date



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

1/3/2023
Date



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

1/4/2023
Date