

BEFORE THE IOWA BOARD OF  
SOCIAL WORK EXAMINERS

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IN THE MATTER OF:	)	CASE NUMBER: 02-011
	)	
DAVID JOSEPH CARSON	)	<b>SETTLEMENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
Respondent.	)	

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COME NOW the Board of Social Work Examiners of the State of Iowa ("Board") and David Joseph Carson ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. The Respondent was originally licensed to practice as a social worker in the state of Iowa on December 10, 1996, and holds license number 304-01596.
2. A Statement of Charges was filed against the Respondent on March 17, 2003. Respondent admits the allegations contained in the Statement of Charges.
3. The Board has jurisdiction over the parties and the subject matter of the Statement of Charges.
4. A contested case hearing in this matter is currently scheduled for August 11, 2003. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
5. Respondent is freely and voluntarily entering into this Settlement Agreement

and Final Order, and he agrees that the State's counsel may present this agreement to the Board.

6. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

7. This agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

9. This Settlement Agreement and Final Order as well as the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

10. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

11. Upon the Board's approval of this Settlement Agreement and Final Order, the Respondent's license shall be suspended indefinitely, commencing September 15, 2003, until further order of the Board, with no possibility of reinstatement for nine (9) months from the date the suspension commences. During the entire period of suspension, the Respondent shall not utilize any designation, abbreviation, or title which

implies that Respondent is licensed to practice social work or otherwise hold himself out to be a licensed social worker. During the entire period of suspension, Respondent shall not engage in any activity or practice of social work in the State of Iowa for which a license is required.

12. Respondent may apply for reinstatement of his license when the following conditions have been satisfied:

a. Respondent submits to a comprehensive, multi-disciplinary evaluation by Dr. Gary Schoener, 2421 Chicago Avenue South, Minneapolis, Minnesota, 55404, telephone (612) 870-0565. Respondent is responsible for all costs associated with this evaluation.

b. Prior to the evaluation, the facility shall be provided with the Statement of Charges, the Settlement Agreement, and the investigative file in this contested case.

c. The facility shall forward directly to the Board an evaluation report and initial treatment plan. The evaluation report shall include a recommendation as to whether Respondent is safe to return to the practice of social work and additional recommendations or restrictions as indicated. The initial treatment plan shall be subject to the approval of the Board.

d. The Respondent shall comply with the recommendations of the facility and shall undergo treatment pursuant to such approved plan.

e. The Respondent shall sign a release which (a) will enable the Board to freely communicate with all individuals involved in Respondent's evaluation and treatment, (b) provide for full access by the Board to all records maintained with respect to such evaluation and treatment, and (c) provide for monthly reports on Respondent's progress to be submitted directly to the Board. It is the Respondent's responsibility to ensure that such monthly progress reports are provided to the Board.

f. Upon compliance with the above provisions, Respondent may submit an application for reinstatement to the Board pursuant to 645 Iowa Administrative Code 11.31. Respondent's license shall not be reinstated except upon a showing that Respondent has complied with the terms of this Settlement Agreement, that the basis for the suspension no longer exists, and that it would be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the Respondent.

13. Respondent agrees that following a hearing on his application for reinstatement the Board may issue an Order which places Respondent's license on probation for a period of time subject to terms, conditions and restrictions which the Board deems appropriate, or which imposes other appropriate discipline, and that the terms of the Order shall be based on the recommendations of the evaluating facility and Respondent's compliance with this agreement.

**This Settlement Agreement and Final Order is approved by the board on August 11, 2003**