

BEFORE THE IOWA BOARD OF SOCIAL WORK

IN THE MATTER OF:)	CASE NUMBER: 03-019, 04-064,
)	08-007
THOMAS M. FOLLETT,)	SETTLEMENT AGREEMENT
Respondent.)	AND FINAL ORDER

COME NOW the Iowa Board of Social Work ("Board") and Thomas M. Follett ("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 Board originally licensed Respondent to practice as a social worker in the state of Iowa on November 9, 1998, and Respondent holds license number 304 05253.
2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on November 10, 2008. A contested case hearing in this matter is scheduled for April 19, 2010.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
4. 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 Respondent's 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 contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order. Respondent agrees that the State's counsel may present this agreement to the Board and may have ex parte communication with the Board while presenting it.

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 Respondent's permanent record 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. This Settlement Agreement and Final Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C. The Notice of Hearing and Statement of Charges is also a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 17A, 22 and 272C.

9. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

Respondent's license shall be placed on probation for a period of two years, subject to the following terms and conditions:

10. a. Respondent submits to a comprehensive, multi-disciplinary evaluation by Dr. Gary Schoener, 2421 Chicago Avenue South, Minneapolis, Minnesota, 55404, telephone (612) 870-0565, within thirty (30) days of the date of this agreement. Respondent is responsible for all costs associated with this evaluation.

b. Prior to the evaluation, Dr. Schoener shall be provided with the Notice of Hearing and Statement of Charges, the Settlement Agreement and Final Order, and the investigative file in this contested case.

c. Upon completion of the evaluation and report, Dr. Schoener shall forward the same directly to the Board. The evaluation report shall include Dr. Schoener's opinion as to whether Respondent may practice social work competently and ethically, and shall include any restrictions or recommendations deemed necessary by Dr. Schoener for Respondent's practice.

d. The Respondent shall comply with the restrictions and recommendations of Dr. Schoener.

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 (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.

11. Respondent shall attend eighteen (18) hours of continuing education in the area of ethics within the period of probation. Such hours shall be in addition to the standard continuing education renewal requirements. Prior to attending the continuing

education, the Respondent shall submit the name of the course(s), the course instructors, and the course content to the Board for its approval.

12. Respondent shall, within thirty (30) days of the date of this agreement, submit the name and curriculum vitae of a proposed practice mentor to the Board for its approval. The proposed practice mentor shall be a licensed independent social worker.

The approved practice mentor will be provided a copy of the Notice of Hearing and Statement of Charges and this agreement. The Respondent shall meet in a face-to-face setting with the mentor on a quarterly basis during the probationary period to review and discuss the Board's administrative rules and issues relative to conflicts of interest, boundaries, dual relationships, appropriate interactions with clients, and any other relevant ethical issues which arise in Respondent's practice. All costs associated with the practice mentor shall be the responsibility of Respondent. The practice mentor shall submit quarterly reports to the Board which include the following:

- i. The time period covered by the report.
- ii. The dates of meetings held with Respondent and a brief summary of the discussion held at each of these meetings.
- iii. Any other information the practice mentor deems relevant for the Board's review.

13. Respondent shall obey all federal, state, and local statutes and regulations governing the practice of social work.

14. Respondent shall make a personal appearance before the Board upon request. The Respondent shall be given reasonable notice of the date, time, and place for appearance.

15. The period of probation shall terminate following the two year time period provided that Respondent has fully complied with the terms and conditions for probation set forth in this Settlement Agreement and Final Order.

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

17. If Respondent is not practicing social work at the time this agreement is executed, the term of probation will not commence until such time as Respondent returns to the practice of social work. Respondent shall notify the Board in writing of his plans to return to the practice of social work at least thirty (30) days prior to such return, and shall submit a written plan of supervision for Board approval at that time. The period of probation and the terms and conditions of probation will be in effect for two years from the date the Board approves Respondent's written plan of supervision. Upon full compliance with the terms and conditions for probation set forth in this Settlement Agreement and Final Order, the Respondent's probation shall be terminated.

This settlement agreement and final order is approved by the board on May 10, 2010.