BEFORE THE IOWA BOARD OF SOCIAL WORK

IN THE MATTER OF:	)	CASE NUMBER: 06-047
	)	
KAY JACKSON BERGER,	)	**SETTLEMENT AGREEMENT**
	)	**AND FINAL ORDER**
Respondent.	)	

COME NOW the Iowa Board of Social Work ("Board") and Kay Jackson Berger ("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 December 14, 1988, and Respondent holds license number 304 00559.

2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on August 11, 2008. A contested case hearing in this matter was scheduled for January 26, 2009, but was continued upon the request of both parties. The Respondent does not admit the allegations contained in the Notice of Hearing and Statement of Charges and enters into this Settlement Agreement and Final Order for the sole purpose of resolving this matter to avoid the burden, expense, and uncertainties of a contested case hearing.

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. 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 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.

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

IT IS THEREFORE ORDERED:

11. **Practice Mentor**.

a) 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 Board shall provide the approved practice mentor with a copy of the Notice of Hearing and Statement of Charges and this Agreement.

b) The Respondent shall meet in a face-to-face setting with the practice mentor for a minimum of three (3) hours to review and discuss the dual relationship issues presented by this case, including: the Board's administrative rule regarding dual relationships, protecting clients and establishing clear and appropriate boundaries, understanding and diminishing the risk of exploitation and harm to clients, and any other relevant ethical issues. All costs associated with the practice mentor shall be the responsibility of Respondent. Following the initial three (3) hours, the practice mentor shall determine whether any ongoing mentoring or other monitoring is recommended. The Respondent shall comply with all recommendations made by the practice mentor.

c) The practice mentor shall submit a report to the Board following the initial three (3) hours of mentoring which includes the following:

i. The date(s) of meeting(s) held with Respondent and a brief summary of the discussion held at each of these meetings.

ii. The practice mentor's recommendations for further mentoring or monitoring, if any; and

iii. Any other information the practice mentor deems relevant for the Board=s review.

d) If the practice mentor recommends further mentoring or monitoring or other recommendations, the practice mentor shall submit a final report to the Board upon the Respondent's successful completion of such recommendation which includes the following:

i. The date(s) of meeting(s) held with Respondent and a brief summary of the discussion held at each of these meetings.

ii. A statement that the Respondent successfully completed the practice mentor's recommendations; and

iii. Any other information the practice mentor deems relevant for the Board's review.

12. 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).

This Settlement Agreement and Final Order is approved by the Board May 9, 2011.