

BEFORE THE BOARD OF SOCIAL WORK
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 08-021
)	
THOMAS FOLLETT,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Board of Social Work (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued Iowa license 05253 on November 9, 1998. Respondent's license to practice social work at the independent level in Iowa is active and will next expire on December 31, 2014.

Respondent's address as reported to the Board is 1014 Boone Street, Webster City, Iowa 50595.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 14, 2013, before the Board of Social Work. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Room #526, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Iowa Board

of Social Work, Lucas State Office Building—5th Floor, 321 E. 12th St., Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Sara Scott, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges.

Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, Chapter 154C, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 154C, and 272C and 645 IAC Chapter 283.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Pursuant to Iowa Administrative Code 645—282.2(1)(a), Respondent is charged with failing to inform his clients of the proposed services to be provided and the purpose of those services.

Count II

Pursuant to Iowa Administrative Code 645—282.2(5)(b), Respondent is charged with failing to maintain timely records that include a treatment plan and any revisions to the treatment plan made during the course of treatment.

Count III

Pursuant to Iowa Administrative Code 645—282.2(4)(g), Respondent is charged with violating client confidentiality.

Count IV

Pursuant to Iowa Administrative Code 645—282.2(4)(a)(3) and (b), Respondent is charged with violating client confidentiality and failure to obtain informed consent.

Count V

Pursuant to Iowa Administrative Code 645—282.8(a)(2), Respondent is charged with engaging in a dual relationship with a former client within five years following termination of the client relationship.

Count VI

Pursuant to Iowa Administrative Code 645—282.2(5)(a), Respondent is charged with failing to maintain sufficient, timely and accurate documentation in client records.

Count VII

Pursuant to Iowa Administrative Code 645—282.2(15), Respondent is charged with improperly delegating professional responsibilities to a person whom he knows or has reason to know is not qualified by training, education, experience or classification to perform the requested duties.

Count VIII

Pursuant to Iowa Administrative Code 645—283.2(12), Respondent is charged with violation of a regulation, rule, or law of this state which relates to the practice of social work, including, but not limited to, the rules of conduct found in 645—282.2.

D. FACTUAL CIRCUMSTANCES

1. On November 10, 2008, the Board filed a Notice of Hearing and Statement of Charges against Respondent alleging that he had failed to inform his client of treatment goals, violated confidentiality, failed to obtain signed consents, engaged in conflicts of interest and dual relationships, and engaged in unethical conduct. The charges were resolved by a Settlement Agreement and Final Order on May 10, 2010 in which Respondent's license was placed on probation for two years and he was required to meet with a practice monitor, he was required to undergo a comprehensive evaluation and comply with recommendations, and he was required to complete continuing education in the area of ethics.

2. Respondent provides clinical services to clients in office spaces that do not ensure their privacy and confidentiality.

3. Respondent hangs drawings that contain identifying client information inside his office suite and in a publicly accessible space outside of his office.

4. Respondent maintains client files in unlocked filing cabinets within his office suite which are accessible to other people in the office.

5. Respondent employs an unlicensed and untrained individual to perform play or art therapy with some minor clients. Respondent provided these services without developing a treatment plan that incorporated the use of play or art therapy and set forth the goals of the treatment. Respondent does not obtain a written release of information or informed consent from the parents of his minor clients for the utilization of the individual.

6. The individual employed by Respondent is a former client and does not

hold a professional license as a social worker, mental health counselor, marital and family therapist, or psychologist. The individual meets with clients, sometimes with Respondent and sometimes by herself, to provide play or art therapy.

7. The unlicensed individual writes progress notes but does not sign them. Respondent signs treatment notes written by the individual and bills for services she provides.

8. Respondent also admitted to a Board investigator that he employed a former client to mow his lawn, approximately one and a half years after the termination of their clinical relationship.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact Sara Scott, Assistant Attorney General, at 515/242-0104.

F. PROBABLE CAUSE FINDING

On February 11, 2013, the Iowa Board of Social Work found probable cause to file this Notice of Hearing and Statement of Charges. Signed this 11th day of February, 2013.



Chairperson, Iowa Board of Social Work

Copies to:

Sara Scott
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Thomas Follett
Respondent