

BEFORE THE IOWA BOARD OF
SOCIAL WORK EXAMINERS

IN THE MATTER OF:)	CASE NUMBER: 04-015
)	
THOMAS F. CAPSHEW,)	
)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

COME NOW the Board of Social Work Examiners of the State of Iowa ("Board") and Thomas F. Capshew ("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 October 25, 2000, and holds license number 05890.
2. A Statement of Charges was filed against the Respondent on November 8, 2004. A contested case hearing in this matter is scheduled for May 9, 2005.
3. The Board has jurisdiction over the parties and subject matter of the Statement of Charges.
4. Execution of this Settlement Agreement and Final Order by both parties 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 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 may 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 immediately suspended indefinitely until further order of the Board with no possibility of reinstatement for six (6) months from the date of this Order. 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 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, Dr. Schoener shall be provided with the Statement of Charges, the Settlement Agreement, and the investigative file in this contested case.

c. Upon completion of the evaluation and initial treatment plan, Dr. Schoener shall forward the same directly to the Board. The evaluation report shall include Dr. Schoener's opinion as to whether it is appropriate for the Board to reinstate Respondent's license to practice social work, and if so, under what restrictions or conditions, if any. The initial treatment plan shall be subject to the approval of the Board.

d. The Respondent shall comply with the recommendations of Dr. Schoener 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 further suspends Respondent's license, or 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.

AGREED AND ACCEPTED:

This Settlement Agreement and Final Order is approved by the board on February 14, 2005