

BEFORE THE IOWA BOARD OF
BEHAVIORAL SCIENCE EXAMINERS

IN THE MATTER OF:)	CASE NUMBER: 02-005
)	
RANDALL KIEL,)	
)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

COME NOW the Board of Behavioral Science Examiners of the State of Iowa ("Board") and Randall Kiel ("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 mental health counselor in the state of Iowa on June 20, 2001, and holds license number 131-00754.
2. A Statement of Charges was filed against the Respondent on December 12, 2003. A contested case hearing in this matter is scheduled for March 12, 2004.
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 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 seek judicial review, 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 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. Respondent's license shall be placed on probation for a period of twelve (12) months from the date of this agreement subject to the following terms and conditions:

a. Respondent shall comply with all relevant statutes and administrative rules regarding the practice of mental health counseling in the state of Iowa.

b. Respondent shall practice mental health counseling in the state of Iowa only under the professional supervision of the mental health counselor approved by the Board effective June 16, 2003. Except as otherwise provided by the terms of this agreement, the professional supervision of the Respondent's mental health counseling services shall be administered in accordance with the standards and provisions contained at 645 Iowa Administrative Code 30.4(2). Respondent shall receive one hour of supervision per week of practice. This requirement shall not apply during weeks when Respondent is not practicing due to vacation or illness or when Respondent's supervisor is unavailable, provided that Respondent receives approval from the Board office prior to the week at issue. Respondent shall be exempted from this requirement for no more than four (4) weeks during the period of probation.

c. If the Board approved supervisor is unable to continue supervising Respondent's practice, Respondent shall submit to the Board the name and qualifications of another licensed mental health counselor for Board review and approval. Respondent shall practice mental health counseling only under the professional supervision of a Board approved supervisor.

d. Respondent shall be responsible for paying the costs of procuring the professional supervision required by this agreement.

e. Respondent shall submit quarterly reports with the Board attesting to the following information:

- 1) The time period covered by the report.
- 2) The name and location of all places of business where the Respondent practiced mental health counseling.
- 3) The number and type of counseling contact hours performed.
- 4) The number of individual supervision hours completed.
- 5) The name of all persons who provided professional supervision services.

f. The practice supervisor shall submit quarterly reports to the Board attesting to the following information:

- 1) The time period covered by the report.
- 2) The dates of meetings between Respondent and the

supervisor and a summary of the discussion held at each of these meetings.

g. The Board or its designee may contact Respondent's supervisor to verify the number of hours of supervision completed and to obtain evaluations of the supervisor's opinion of the Respondent's competency as a mental health counselor.

h. All quarterly reports required by this agreement shall be type-written and signed by the person submitting the report. The first report required by this agreement shall be submitted to the Board by May 1, 2004, and each report thereafter shall be submitted by the first day of every subsequent third month. Failure to provide complete and truthful information shall constitute a violation of this agreement.

i. Respondent shall make a personal appearance before the Board or a Board committee upon request. The Board shall provide the Respondent with reasonable notice of the date, time, and place for appearance. By participating in the

Board or Committee appearance, Respondent waives any objection to a Board member both participating in the appearance and later participating as a decision maker in any contested case proceeding.

j. In the event Respondent leaves Iowa to reside or practice mental health counseling outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply toward the duration of the term of probation.

k. Upon full compliance with the terms and conditions for probation set forth in this agreement, the Respondent's probation shall be terminated.

This Settlement Agreement and Final Order is approved by the Board on March 12, 2004.