

BEFORE THE BOARD OF SOCIAL WORK  
OF THE STATE OF IOWA

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IN THE MATTER OF	)	NO. 07-007
	)	
WALTER J. KURTH,	)	NOTICE OF HEARING
	)	AND STATEMENT OF CHARGES
RESPONDENT.	)	

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**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 304 00456 on September 30, 1986. Respondent's license to practice independent social work in Iowa is inactive and having expired on December 31, 2008.

Respondent's address as reported to the Board is St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on July 20, 2009, 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 Conference 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—5<sup>th</sup> Floor, 321 E. 12<sup>th</sup> 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 641 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: Heather Adams, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> 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(6)a, Respondent is charged with habitual intoxication and inability to practice with reasonable skill and safety by reason of excessive use of alcohol on a continuing basis.

### **Count II**

Pursuant to Iowa Administrative Code 645—280.9(2)a(1), and 283.2(22), Respondent is charged with renewing his social work license without completing continuing education as outlined in the board's rules and submitting a false report of continuing education or failure to submit the biennial report of continuing education.

Count III

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.

**D. FACTUAL CIRCUMSTANCES**

1. Respondent reported at the time of his 2006 renewal a recent charge for Driving Under the Influence, was admitted to a detox program October 22, 2006, and subsequently entered outpatient treatment for an alcohol dependence.

2. The Board referred Respondent to the Impaired Practitioners' Program on May 14, 2007. Respondent declined to participate and was referred back to the Board on September 6, 2008.

3. Respondent's license was renewed at the 2006 renewal based on his signed statement that he had completed his continuing education according to the board's requirements that limited independent study to no more than 12 hours. Respondent later informed the Board that more than 12 hours of his continuing education had been completed in independent study.

**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 Heather Adams, Assistant Attorney General, at 515/281-3441.

**F. PROBABLE CAUSE FINDING**

On May 28, 2009, the Iowa Board of Social Work found probable cause to file this Notice of Hearing and Statement of Charges.

**This notice of hearing and statement of charges is approved by the board on May 28, 2009.**