

BEFORE THE BOARD OF SOCIAL WORK  
OF THE STATE OF IOWA

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IN THE MATTER OF	)	NO. 09-028
	)	
<b>Ann M. Novak,</b>	)	<b>NOTICE OF HEARING</b>
	)	<b>AND STATEMENT OF CHARGES</b>
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 04338 on August 11, 1998. Respondent's license is current and will next expire on December 31, 2012. Respondent's address as reported to the Board is 506 Payton Avenue, Des Moines, IA 50315.

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

Hearing. A disciplinary contested case hearing shall be held on December 3, 2012, before the Board of Social Work. The hearing shall begin at 3:00 p.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Rooms 517/518, 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: Board of Social Work, 5<sup>th</sup> Floor, Lucas State Office Building, 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, 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, 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 – 283.2(6)(a), Respondent is charged with habitual intoxication and inability to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

### Count II

Pursuant to Iowa Administrative Code 645 – 283.2(20), Respondent is charged with failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

## **D. FACTUAL CIRCUMSTANCES**

1. On February 8, 2010, the Board filed a Notice of Hearing and Statement of

Charges charging Respondent with habitual intoxication and inability to practice with reasonable safety and skill by reason of excessive use of alcohol, violating the terms of an initial agreement and contract with the Impaired Practitioner Review Committee, and violation of a regulation, rule or law of this state which relates to the practice of social work.

2. The charges were resolved by a Settlement Agreement and Final Order approved on May 24, 2011 in which Respondent's license was placed on probation for three (3) years and she was ordered to comply with certain conditions of probation. These conditions included abstaining from alcohol and drugs unless prescribed or dispensed by a physician, physician assistant, or advanced registered nurse practitioner in an appropriate manner for a legitimate purpose, and providing written notice of any change of address, phone number or employment within five days of the event.

3. Respondent has admitted to relapsing with alcohol and the Board has received additional information to indicate Respondent has relapsed with alcohol.

4. Respondent was terminated from her position at a mental health agency in March, 2012 and failed to notify the Board of her termination. Respondent also failed to notify the Board of her change of address.

#### **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 this 17<sup>th</sup> day of September, 2012, the Iowa Board of Social Work found probable cause to file this Notice of Hearing and Statement of Charges.

A handwritten signature in black ink, appearing to read "Beth Harms", written in a cursive style.

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Beth Harms, Chairperson  
Iowa Board of Social Work

Copies to:

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

Ann M. Novak