

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 04-027
)	
DAVID BENEDIX,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Board of Social Work Examiners (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code Sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa license no. 304 03298 on April 15, 1998. That license is expired.

A. TIME, PLACE AND NATURE OF HEARING

A disciplinary contested case hearing shall be held on August 13, 2007, before the Board of Social Work Examiners. The hearing shall begin at 3:00 p.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room # 526, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Within twenty (20) days of the date you are served this Notice of Hearing you are required by 645 Iowa Administrative Code 11.12 to file an Answer. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you. The procedural rules governing the conduct of the hearing are found at 641 Iowa Administrative Code Chapter 11.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Heather L. Adams, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

B. LEGAL AUTHORITY AND JURISDICTION

The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 154C, and 272C. 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 Iowa Administrative Code Chapter 283. 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 Iowa Administrative Code 11.21.

C. SECTIONS OF STATUTES AND RULES

Count I

Respondent is charged pursuant to Iowa Code section 272C.10(3) and 645 IAC 283.2(3) with knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of social work or engaging in unethical conduct or practice harmful or detrimental to the public.

Count II

Respondent is charged pursuant to 645 IAC 283.2(8) with falsification of client records.

Count III

Respondent is charged pursuant to 645 IAC 283.2(9) with acceptance of any fee by fraud or misrepresentation.

Count IV

Respondent is charged pursuant to 645 IAC 283.2(12) with violation of a regulation, rule, or law of this state, another state, or the United States, 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. Respondent co-owned and operated Phoenix Family Services, L.C.
2. In May of 2004 the Iowa Department of Human Services served Respondent with a notice that an audit of Phoenix records identified numerous instances in which Phoenix was overpaid by the Department due to lack of documentation and falsification of client records. On February 9, 2005, Respondent entered into a settlement agreement with the Iowa Department of Human Services in which he agreed to lifetime suspension from providing Rehabilitative Treatment and Supportive Services in an owner, managerial, or supervisory capacity.
3. Respondent was the subject of a complaint filed pursuant to the provision of the False Claims Act in 2002. Respondent entered into a Settlement Agreement on September 23, 2004, and agreed to pay the United States the amount of \$ 19,615.000 for overpayments due to fraud.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code 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 this 13th day of June, 2007, the Iowa Board of Social Work Examiners found probable cause to file this Notice of Hearing.

This notice of hearing and statement of charges is approved by the board on June 13, 2007.