

BEFORE THE IOWA BOARD OF  
BEHAVIORAL SCIENCE EXAMINERS

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IN THE MATTER OF:	)	CASE NUMBER: 06-006
	)	
TIMOTHY RUPPERT,	)	<b>SETTLEMENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
Respondent	)	
	)	

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COME NOW the Board of Behavioral Science Examiners of the State of Iowa (“Board”) and Timothy Ruppert (“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 marital and family therapist in the state of Iowa on December 21, 1992, and holds license number 130 0035.
2. A Notice of Hearing and Statement of Matters Asserted was filed against the Respondent on November 3, 2006. A contested case hearing in this matter is scheduled for February 8<sup>th</sup> and 9<sup>th</sup>, 2007.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing.
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. By entering into this Settlement Agreement and Final Order, the Respondent does not admit the allegations contained in the Notice of Hearing and Statement of Matters asserted, filed November 3, 2006. Respondent enters into this Agreement solely to avoid the further uncertainty, cost, and stress of a contested case hearing.

7. 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.

8. 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.

9. 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 Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

10. This Settlement Agreement and Final Order and the Statement of Matters Asserted become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 22 and 272C. The Notice of Hearing is also a public record which became available for inspection and

copying the date it was filed in accordance with the requirements of Chapters 17A, 22, and 272C.

11. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

12. Respondent's license shall be voluntarily suspended indefinitely effective ten business days from Board approval of this Settlement Agreement and Final Order until further order of the Board. During the entire period of suspension, the Respondent shall not utilize any designation, abbreviation, or title which implies that Respondent is licensed to practice marital and family therapy or otherwise hold himself out to be a licensed marital and family therapist. During the entire period of suspension, Respondent shall not engage in any activity or practice of marital and family therapy in the State of Iowa for which a license is required.

13. Respondent may apply for reinstatement when the following conditions have been satisfied:

a. Respondent submits to a comprehensive, multi-disciplinary evaluation by Gary Schoener, M.Ed., 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, Mr. Schoener shall be provided with the Notice of Hearing and Statement of Matters Asserted, the Settlement Agreement, and the investigative file in this contested case along with all documents submitted by Respondent.

c. Upon completion of the evaluation and initial treatment plan, if any, Mr.

Schoener shall forward the same directly to the Board. The evaluation report shall include Mr. Schoener's opinion as to whether it is appropriate for the Board to reinstate Respondent's license to practice marital and family therapy, and if so, under what restrictions or conditions, if any.

d. The Respondent agrees to comply with the recommendations of Mr. Schoener, if any, and further agrees to undergo any treatment recommendations, in the event any are made.

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 after initiation of evaluation 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.

15. Respondent's license shall be reinstated upon a showing that Respondent has complied with the terms of this Settlement Agreement including any recommendations of Mr. Schoener. The burden of proof to establish such facts shall be on the Respondent.

16. Respondent agrees that following a hearing on his application for reinstatement the Board shall issue an Order which incorporates any additional recommendations or restrictions, if any, from the evaluation report. If recommended by the evaluating facility, the Board will (1) reinstate Respondent's license without restriction;

or (2) reinstate Respondent's license with restrictions; or (3) suspend Respondent's license; or (4) place Respondent's license on probation for a period of time subject to terms, conditions or restrictions recommended by the evaluating facility.

**This settlement agreement and final order is approved by the board on February 9, 2007.**