BEFORE THE BOARD OF SOCIAL WORK OF THE STATE OF IOWA

IN THE MATTER OF	>	NO. 03-019, 04-064, 08-007
THOMAS M. FOLLETT,	<u> </u>	NOTICE OF HEARING AND STATEMENT OF CHARGES
RESPONDENT.	3	AND STATEMENT OF CHARGES

COMES NOW the lowa 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 05253 on November 9, 1998. Respondent's license to practice independent level social work in Iowa is current and will next expire on December 31, 2008.

Respondent's address as reported to the Board is 1014 Boone Street, Webster City, Iowa 50595.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 26, 2009, before the Board of Social Work. The hearing shall begin at 1:30 p.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-5th Floor, 321 E. 12th St., Des Moines, Iowa, 50319.

<u>Presiding Officer</u>. 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.

<u>Pre-hearing Conference</u>. 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, 2nd 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

<u>Jurisdiction</u>. 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 lowa 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(1) "a", Respondent is charged with failing to inform his client of the proposed services to be provided and the purpose of the services.

Count II

Pursuant to Iowa Administrative Code 645—282.2(4) and 283.2(29) "c", Respondent is charged with violating confidentiality and failure to obtain signed consents.

Count III

Pursuant to Iowa Administrative Code 645—282.2(8) and 283.2(29) "d",
Respondent is charged with engaging in conflicts of interest and dual relationships.

Count IV

Pursuant to Iowa Code Section 147.55 (3) and Iowa Administrative Code 645—283.2(3) and 283.2(29) Respondent is charged with unethical conduct.

D. FACTUAL CIRCUMSTANCES

- Respondent provided services to Client #1 and Client #2 and their children.
- Goals set for treatment as articulated by Client #1 were different than the goals stated by the Respondent in court, and Client #1 was not given a clear understanding of the services to be provided to himself and his son.
- 3. Respondent failed to protect the confidentiality of Client #1 when he included confidential information regarding Client #1 in the record of Client #1's son without consent, and ultimately released the son's record to the Department of Health and Human Services. There was no documentation regarding the limitations of

confidentiality with the family members. Given the dynamics of this family, treating individuals of the family was a conflict of interest.

- Respondent met with Client #2 outside the therapeutic time in the office.
- On numerous occasions, Respondent directed inappropriate, unethical, unprofessional sexual comments and gestures to female co-workers.
- Respondent engaged in a dual relationship with Client #3 by agreeing to provide social work services to Client #3 who he knew personally and with whom he had an ongoing social relationship.
- 6. Respondent engaged in a dual relationship with Client #4. Respondent began seeing Client #4 approximately October 1, 2007. During the time Respondent was seeing Client #4 in therapy, they attended church together, Client #4 joined the Respondent and his family for Thanksgiving, and he visited Client #4 at the client's treatment facility. On one occasion, the Respondent signed Client #4 out of the treatment facility and took her out for dinner. When Respondent returned Client #4 to the facility, she was legally intoxicated, resulting in her leaving the treatment facility.

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 November 10, 2008, 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 November 10, 2008.