

**BEFORE THE BEHAVIORAL HEALTH PROFESSIONALS
BOARD OF THE STATE OF IOWA**

IN THE MATTER OF

RANDALL KIEL

4320 Beaver Hills Drive
Des Moines, IA

RESPONDENT

CASE NO.: 21-0333

**SETTLEMENT AGREEMENT AND
FINAL ORDER**

COMES NOW the Iowa Board of Behavioral Health Professionals (“Board”) and Randall Kiel (“Respondent”), pursuant to Iowa Code §§ 17A.10(2), 272C.3(4), and 645 IAC 12.1, enter into this Settlement Agreement and Final Order (“Settlement Agreement”).

1. **Iowa License.** Respondent was issued Iowa mental health counseling license number 0074 Respondent’s Iowa mental health counseling license is active and will next expire on September 30, 2024.

2. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 154D.

A. STIPULATIONS

3. **Practice Setting:** Respondent is an Iowa licensed mental health counselor who practices Des Moines, Iowa.

4. **Statement of Charges:** On June 15, 2023, the Iowa Board of Behavioral Science filed a Statement of Charges alleging Respondent failed to conform to the minimal standard of acceptable and prevailing practice in violation of 645 IAC 33.2(3).

5. **Allegations:** At all times material hereto, the Respondent failed to keep adequate notes of some patient appointments.

B. SETTLEMENT AGREEMENT

6. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a

contested case hearing, would constitute grounds for the discipline agreed to in this Settlement Agreement.

7. Prior to the execution of this Settlement Agreement, the Respondent completed significant remediation in that he updated his notes and record-keeping system and provided proof of having completed Continuing Education on “Best Practices in Ethical Record-Keeping” and “The Basics of Clinical Documentation.”
8. To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:
 - a. Respondent is hereby **CITED** with a violation of 645 IAC 33.2(3) and **WARNED** that future violation of the Board’s rules could result in future discipline.
9. In entering this Settlement Agreement, Respondent acknowledges the following:
 - a. This Settlement Agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
 - b. Counsel for the State will present this Settlement Agreement to the Board *ex parte*.
 - c. I have the right to be represented by counsel in this matter. I was represented by Attorney Trent Nelson during the negotiation of this agreement.
 - d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board’s actions.
 - e. I waive my ability to review the investigative file in this case.

- f. I understand this Settlement Agreement will be part of my permanent licensure file 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.
 - g. I am voluntarily entering into this Settlement Agreement.
 - h. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
 - I. I understand the Board will report this Settlement Agreement to the National Practitioner Data Bank. The report to the database will reflect the language included in this Order.
 - j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Settlement Agreement.
10. Respondent shall submit a copy of this Settlement Agreement to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of this Settlement Agreement.
11. This Settlement Agreement constitutes discipline against Respondent pursuant to and is the final agency action in a contested case pursuant to Iowa Code § 17A.10.
12. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
13. This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.
14. This Settlement Agreement becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code §§ 17A, 22, and 272C.

15. This Settlement Agreement is subject to approval of the Board. If the Board fails to approve this agreement it shall be of no force or effect to either party.

16. The Board's approval of this Settlement Agreement shall constitute a **Final Order** of the Board.

C. FINAL ORDER

WHEREFORE, the terms of this Settlement Agreement are agreed to by the Iowa Board of Behavioral Health Professionals and the Respondent.

IT IS THEREFORE ORDERED, Respondent is hereby **CITED** with a violation of 645 IAC 33.2(3) and **WARNED** that future violation of the Board's rules could result in future discipline.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Randall Kiel on this 28 day of August, 2024.



By: Randall Kiel, Respondent

FOR THE IOWA BOARD OF BEHAVIORAL HEALTH PROFESSIONALS:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BEHAVIORAL HEALTH PROFESSIONALS** on this 24th day of September, 2024.

/s/ Aaron Culley
Aaron Culley, L.I.S.W.
Vice Chair, Iowa Board of Health Professions