

BEFORE THE BEHAVIORAL SCIENCE BOARD OF THE STATE OF IOWA

IN THE MATTER OF
JOSEPH DEAN FOX
RESPONDENT

CASE NO.: 23-0079 & 23-0101
COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT, AND FINAL ORDER

COME NOW the Iowa Board of Behavioral Science (“Board”) and Joseph Dean Fox (“Respondent”), and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 645 Iowa Administrative Code (IAC) 12.1.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa mental health counselor license number 096207 on July 1, 2021. Respondent’s Iowa mental health counselor license is active and will next expire on September 30, 2024.
2. **Practice Setting.** Respondent is an Iowa licensed mental health counselor who practiced mental health counseling in West Des Moines, Iowa, during the period of time relevant to these allegations. Respondent currently lives in the State of Iowa.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 154D.
4. **Allegations.** Respondent counseled patient T.B. regarding her marriage, among other matters. On or about the date of September 29, 2022, Respondent encountered T.B. and her spouse in a public location. Respondent made an improper sexual advance toward T.B. Respondent further discussed the content of T.B.’s sessions with her spouse.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 645 IAC 33.2(29)“b” with the unethical conduct of making an improper sexual advance to a client.

COUNT II

6. Respondent is charged under 645 IAC 33.2(29)“c” with the unethical conduct of betraying a professional confidence.

C. SETTLEMENT AGREEMENT

7. 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 Order.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent’s mental health counselor license is indefinitely suspended.
- b. Respondent may apply to have his mental health counselor license reinstated after completing the terms and conditions outlined below.

9. In accepting this Settlement Agreement, Respondent acknowledges the following:

- a. This Settlement Agreement and Final Order 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 and Final Order to the Board *ex parte*.
- c. I have the right to be represented by counsel in this matter. During the negotiation of this Settlement Agreement, I was represented by Jason Palmer of Lamson, Dugan, &

Murray, LLP.

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 Combined Statement of Charges, Settlement Agreement, and Final Order 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 Combined, Statement of Charges, Settlement Agreement, and Final Order.

h. Failure to comply with the provisions of this combined Statement of Charges, Settlement Agreement, and Final Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

i. Respondent understands that the Board will report this Order to the National Practitioner Databank.

12. This combined Statement of Charges, Settlement Agreement, and Final Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

13. This combined Statement of Charges, Settlement Agreement, and Final Order 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 Statement of Charges, Settlement Agreement and Final Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

15. The Board's approval of this Order shall constitute a **Final Order** of the Board.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. Respondent's mental health counselor license is **INDEFINITELY SUSPENDED**.

B. Respondent may apply for reinstatement of his license subject to the following terms and conditions:

- i. Completion of a comprehensive mental health, substance use, and boundaries evaluation with a Board-approved provider, who is experienced in providing mental health, substance use, and boundaries evaluations and who can objectively evaluate respondent. The Board shall be notified of the scheduled evaluation at least ten (10) days in advance so that the pertinent complaint information can be transmitted from the Board to the evaluator. Respondent shall ensure the evaluation is sent directly from the evaluator to the Board. The evaluation report must address the Respondent's ability to safely practice as a mental health counselor and must include any recommendations for ongoing treatment or care. The suspension will remain in effect unless and until the evaluator determines Respondent is able to safely practice as a mental health counselor.
- ii. Respondent shall complete a Board-approved professional boundaries course and

submit proof of completion thereof to the Board. This course shall be completed through the following provider: <https://pbieducation.com/>. This course shall be taken in addition to the required continuing education requirements for license renewal and cannot be used to satisfy the required hours for license renewal.

- iii. Respondent shall submit the name and credentials of a proposed supervisor who can objectively supervise the respondent, along with a proposed supervision plan, to the Board for approval. Respondent shall provide the proposed supervisor with a copy of this Agreement.
- iv. A minimum of one year has elapsed from the date of Board approval of this Order.

C. After the Board has determined the Respondent has satisfactorily completed all of the requirements set forth in paragraph B, Respondent's license shall be reinstated and placed on **PROBATION** for a period of **three (3) years**, subject to the following terms and conditions:

- i. If applicable, Respondent shall complete the administrative requirement for license reactivation.
- ii. Respondent shall comply with all recommendations for ongoing treatment or care and any conditions or restrictions to ensure safe practice identified in the evaluation, as applicable.
- iii. Respondent shall only engage in the practice of mental health counseling as part of an agency or group practice with oversight over Respondent by at least one independently licensed mental health provider.

-
- iv. Respondent shall complete three (3) years of supervised practice before being released from probation. Respondent must receive Board approval prior to changing supervisors. This supervision is for purposes of monitoring of licensee who is completing a disciplinary sanction and not for purposes of licensure; Respondent retains the ability to practice at the independent level, including billing for services at the independent level.
 - v. Respondent must have individual direct supervision with his supervisor for a minimum of one (1) hour on a weekly basis for the first year of practice. Upon recommendation of his supervisor, the frequency of individual direct supervision may be reduced to biweekly for the second year of practice. Upon the recommendation of his supervisor, the frequency of individual direct supervision may be reduced to monthly for the third year of practice. The individual direct supervisor must evaluate Respondent's practice and address any potential boundary, ethical, or other concerns. As part of the evaluation of Respondent's practice, Respondent's supervisor shall review records from a minimum of ten (10) percent of Respondent's clients seen in the previous week. Respondent's supervisor shall submit quarterly reports to the Board detailing the supervisor provided. Respondent is responsible for ensuring the quarterly reports are timely submitted to the Board by his supervisor.
 - vi. Respondent shall notify all employers and prospective employers for any position that requires licensure as a mental health counselor (no later than at the time of the employment interview) of this Settlement Agreement.

- vii. Respondent shall appear the Board upon its request for the purpose of reviewing his performance during the probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- viii. Respondent is responsible for all costs incurred to comply with these terms and conditions.
- ix. Respondent shall obey all federal and state statutes and regulations governing mental health counseling.
- x. Respondent shall provide written notification to the Board of any change of home address, telephone number, or place of employment within ten (10) days of such a change.
- xi. Respondent and Respondent's supervisor shall each submit quarterly reports to the Board regarding Respondent's progress.
- xii. The notifications and reports required to be submitted to the Board pursuant to this paragraph should be mailed to the Iowa Board of Behavioral Science, Attn: Tony Alden, Department of Inspections Appeals and Licensing, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321.
- xiii. Only time periods in which the Respondent is a practicing mental health counselor will count towards completion of the probationary period. If Respondent is not practicing as a mental health counselor, the probationary term will be extended until he successfully completes three years of supervised practice.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Joseph Dean Fox on this 18th day of November, 2024.

By: Joseph Dean Fox, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 18 day of November, 2024, by:



Misty D Munoz
Notary Public, State of Iowa
Printed Name: Misty Munoz
My Commission Expires: 7/9/2025

FOR THE IOWA BOARD OF BEHAVIORAL SCIENCE:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BEHAVIORAL SCIENCE** on this 12th day of December, 2024.

Aaron L Culley, L I Sw, Chair

Iowa Board of Behavioral Science