

SETTLEMENT AGREEMENT

I. PARTIES

This settlement agreement is made and entered into by and between the Board of Social Work Examiners (Board) and David Bialik (Bialik).

II. RECITALS

A. The Board is authorized pursuant to North Dakota Century Code (N.D.C.C.) ch. 43-41 to license and regulate the profession of social worker.

B. Bialik was licensed to practice social work in North Dakota by the Board at the time the allegations related to this matter arose, and his license expired on December 31, 2019.

C. N.D.C.C. § 43-41-10 authorizes the Board to suspend, revoke, or place on probationary status any license issued by the Board on proof at a hearing that the licensee has committed an act set forth in the law.

D. The Board found grounds to support allegations that, during the time period during which he held a license to practice social work, Bialik violated (N.D.C.C.) § 43-41-10(1)(a), (d), and (e), and North Dakota Administrative Code § 75.5-02-06.1-01(1), (9), and (10), and § 75.5-02-06.1-04(3), and decided to initiate a disciplinary action.

E. Bialik acknowledges he has been informed and understands he has the right to seek the advice of legal counsel in this matter.

F. Bialik acknowledges he has been informed and understands he has the right to a hearing and appeal pursuant to N.D.C.C. ch. 43-41 and N.D.C.C. ch. 28-32 prior to any adverse action being taken against his license.

III. AGREEMENT

The Board and Bialik agree to resolve this matter as follows:

A. Bialik waives his right to an administrative hearing and appeal that are set forth in N.D.C.C. ch. 43-41 and ch. 28-32.

- B. Bialik's license to practice social work is retroactively suspended for a period ending no earlier than December 31, 2022. During suspension Bialik shall:
1. During the calendar years 2021 and 2022, annually complete twenty-four (24) continuing education hours on the ethics related to sexual relationships with clients each year. Bialik shall submit evidence to the Board indicating completion of those hours. All costs associated with the hours shall be borne by Bialik. These hours shall be in addition to continuing education hours required by law.
 2. Engage a mental health counselor and receive at least monthly counseling. Provide the Board with the name and contact information of Bialik's chosen mental health counselor. Ensure the counselor submit quarterly reports to the Board summarizing the progress of counseling and the counselor's assessment of Bialik's fitness to practice.
 3. Undergo a psychological evaluation by a mental health professional that will assess Bialik's fitness to resume practice. Execute all releases necessary for the provider to submit all documentation related to the evaluation directly to the Board. Bear all costs associated with the evaluation and the requirement that she follow the recommendations.
- C. On or about December 2022, appear before the Board to discuss Bialik's understanding of the circumstances that led to the ethical violations, what he has learned since the lapses occurred, and safeguards he will put in place to help ensure similar transgressions do not occur in the future.
- D. Comply with all laws and rules related to the practice of social work.

- E. The Board will determine if Bialik fulfills the terms of this Agreement. If the Board determines in good faith, in its reasonable discretion, that Bialik fails to fulfill the terms of this Agreement, the Board may take further disciplinary action against his license without a hearing or appeal.
- F. There are no covenants, promises, undertakings, or understandings outside this Agreement other than those herein specifically set forth.
- G. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflict of law principles.

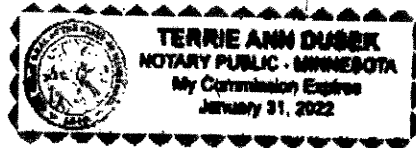
Dated this 10 day of September, 2020.

David Bialik
David Bialik

State of Minnesota
County of Polk

Subscribed and affirmed to before me
this 10 day of September, 2020.

Terrie Ann Duser
Notary Public



Dated this 10 day of November, 2020.

BOARD OF SOCIAL WORK EXAMINERS

By: Bianca Bell
Bianca Bell
Its Chairperson