

BEFORE THE IOWA BOARD OF BEHAVIORAL SCIENCE

IN THE MATTER OF)	NO. 13-018
)	
SCOTT BAIR,)	EMERGENCY ADJUDICATIVE
)	ORDER
RESPONDENT.)	

COMES NOW the Iowa Board of Behavioral Science (“Board”), on this 6th day of February, 2014, and finds it was presented with evidence which establishes that Respondent’s continued practice as a marital and family therapist constitutes an immediate danger to the public health, safety, and welfare. The Board has conducted an investigation of this matter and a summary of the evidence obtained by the Board is as follows:

FINDINGS OF FACT

1. In late July, 2013, Client #1 began therapy with Respondent at a counseling center.
2. Respondent also arranged a therapy session for Client #1 at his private practice for the same day as the initial session.
3. Respondent informed Client #1 that hugging and kissing were part of therapy, and proceeded to hug and kiss Client #1 on multiple occasions.
4. During August and September, 2013, Respondent spent time with Client #1 almost every day, often multiple times a day.
5. During August and September, 2013, Respondent sent numerous text messages to Client #1.
6. Respondent had sexual contact with Client #1 on several occasions during August and September, 2013.
7. Respondent created agreements and plans for Client #1 related to therapeutic and personal goals, which included marriage between the two of them and a provision for financial support for maintaining secrecy.
8. The relationship between Respondent and Client #1 continued until late September, 2013.
9. On December 26, 2013, Respondent was charged criminally with sexual exploitation by a counselor or therapist, a class D felony, in Des Moines County, Iowa.
10. The criminal charges against Respondent are pending and Respondent continues to keep an unrestricted license to practice as a marital and family therapist.

CONCLUSIONS OF LAW

11. The Board concludes that this matter has been fully investigated and the information obtained from both law enforcement and from Respondent's former employer ensures the Board is proceeding on reliable information. The information, if proven at a hearing, would indicate that Respondent violated the prohibition on sexual contact with a client under Iowa Code section 154D.5 (2013) and 645 Iowa Administrative Code rule 33.2(30)(a), violated the prohibition on physical contact with a client under 645 Iowa Administrative Code rule 33.2(31), engaged in unethical conduct pursuant to 645 Iowa Administrative Code rule 33.2(29), and engaged in practice harmful or detrimental to the public pursuant to 645 Iowa Administrative Code rule 33.2(4).

12. Under Iowa Code section 154D.5, "[t]he license of a marital and family therapist or mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule."

13. In an emergency adjudicative order, "[an] agency may only take such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication." Iowa Code section 17A.18A(2).

14. The facts set forth above establish that Respondent's continued practice as a marital and family therapist poses an immediate danger to the public health, safety, or welfare.

15. Respondent's continued practice poses a serious and immediate danger to his clients. The Board does not believe the imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, and welfare. The Board finds that prohibiting Respondent from practicing as a marital and family therapist is the only means to protect the public health, safety, or welfare until this case is finally resolved.

ORDER

IT IS HEREBY ORDERED, in accordance with Iowa Code section 17A.18A and 645 Iowa Administrative Code rule 11.28, that Respondent's license to practice as a marital and family therapist be **INDEFINITELY SUSPENDED**. This suspension is effective immediately upon issuance of this Order. This suspension shall continue until such time as the Board issues a new order regarding Respondent's license.

Respondent shall be notified immediately of this Order pursuant to 645 Iowa Administrative Code rule 11.28(3).

A hearing regarding this Emergency Adjudicative Order and the Statement of Charges filed concurrently against Respondent shall be held on February 26, 2014 before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, 5th Floor Board Room #526, Des Moines, Iowa.

This Order is dated February 6, 2014.

Erik Oostenink, MA, LMHC

ERIK OOSTENINK, Chairperson
Iowa Board of Behavioral Science