# BEFORE THE BOARD OF BEHAVIORAL SCIENCE EXAMINERS OF THE STATE OF IOWA

| IN THE MATTER OF THE<br>STATEMENT OF CHARGES<br>AGAINST | ) NO. 05 - 002<br>) |
|---|---------------------|
| FLORALYN GROFF PERRY,                                   | NOTICE OF HEARING   |
| RESPONDENT.   | )                   |

COMES NOW the Iowa Board of Behavioral Science Examiners and files this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa license no. 00165 on September 28, 1995. That license is active and will next expire on September 30, 2006.

# A. TIME, PLACE AND NATURE OF HEARING

A disciplinary contested case hearing shall be held on May 12, 2006, before the Board of Behavioral Science Examiners. The hearing shall begin at 1:00 p.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room # 526, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Within twenty (20) days of the date you are served this Notice of Hearing you are required by 645 Iowa Administrative Code 11.12 to file an Answer. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against

you. The procedural rules governing the conduct of the hearing are found at 641 lowa Administrative Code Chapter 11.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Heather L. Adams, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

#### **B. LEGAL AUTHORITY AND JURISDICTION**

The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 154D, and 272C (2005). If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 154D, and 272C (2005) and 645 Iowa Administrative Code Chapter 33. 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 Iowa Administrative Code 11.21.

### C. SECTIONS OF STATUTES AND RULES INVOLVED

#### Count I

Respondent is charged with violation of Iowa Code section 272C.10(2) (2005) and 645 IAC 33.2(3) with professional incompetency.

## Count II

Respondent is charged with violation of Iowa Code section 272C.10(3) (2005) and 645 IAC 33.2(4) & (29) with engaging in unethical conduct.

# **Count III**

Respondent is charged with violation of 645 IAC 33.2(1) with repeated failure to comply with the current Code of Ethics of the American Mental Health Counselors Association (AMHCA) Code of Ethics, including a failure to comply with Principle 1: Welfare of the Consumer, including violations of sections A) Primary Responsibility, B) Counseling Plans, D) Clients Served by Others, F) Dual Relationships, and O) Group Work; Principle 2: Client's Rights, including violations of sections A, C, E, and M; Principle 3: Confidentiality, including violations of sections B, D, and N; Principle 7: Competence, including violations of sections E and H; Principle 8: Professional Relationships, including a violation of section A; and Principle 11: Professional Responsibility, including a violation of section E.

#### D. STATEMENT OF MATTERS ASSERTED

A short and plain Statement of the Matters Asserted was reviewed and approved by the Board at the time this Notice of Hearing was filed. A Statement of the Matters Asserted shall be furnished to Respondent as an attachment to this Notice. However, this short and plain statement of the matters asserted is not a public record.

#### E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 lowa Administrative Code 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

| This notice of hearing is approved by the Board on February 10, 2006. |                  |               |                |                                 |  |
|---|------------------|---------------|----------------|---------------------------------|--|
| Behavioral Science  | Examir           | ners found pr | obable cause t | to file this Notice of Hearing. |  |
| On this   | 10 <sup>th</sup> | day of        | February       | , 2006, the Iowa Board of       |  |