

BEFORE THE IOWA BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

IN THE MATTER OF:) NO. 07-003
)
RITA LYNN,) **NOTICE OF HEARING AND**
License No. 00198,) **STATEMENT OF CHARGES**
)
Respondent.)

COMES NOW the Iowa Board of Physical and Occupational Therapy and hereby files this Statement of Charges pursuant to Iowa Code section 17A.12(2). On September 15, 1982, the Board issued Respondent Iowa Occupational Therapy License No. 00198. Respondent's license will expire on June 15, 2008.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on November 16, 2007, before the Iowa Board of Physical and Occupational Therapy. The hearing shall begin at 9:00 a.m. and shall be held in the conference room at the Lucas State Office Building, Fifth Floor Board Conference Room No. 526, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served with this Statement of Charges you are required by 645 IAC 11.12 to file an Answer. In the Answer you should also state whether you request a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as the presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found in 645 IAC 11. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine

any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

5. Prosecution. 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. Palmer, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319

6. Communications. You may not contact board members by telephone, letter, facsimile, e-mail, or in person about this Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleading you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Heather L. Palmer at 515-281-7262.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148B and 272C (2007).

8. Legal Authority. 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, 148B and 272C and Iowa Administrative Code chapter 645.

9. Default. 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 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged under Iowa Code sections 147.55(3) and 272C.10(3) and 645 IAC 209(28) with permitting an unlicensed person under the licensee's control to perform activities that require a license.

D. FACTUAL CIRCUMSTANCES

11. The Board received information in 2007 that an unlicensed individual had worked as an Occupational Therapy Assistant under Respondent's supervision since August 17, 2005.

E. SETTLEMENT

12. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found in 645 IAC 12.1. If you are interested in pursuing settlement of this matter please contact Assistant Attorney General Heather L. Palmer at 515-281-7262.

F. PROBABLE CAUSE FINDING

13. On this 24th day of August, 2007, the Iowa Board of Physical and Occupational Therapy found probable cause to file this Statement of Charges.

This notice of hearing and statement of charges is approved by the board on September 14, 2007.