

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
FOR THE STATE OF IOWA**

IN THE MATTER OF:)	CASE NO. 06-038
)	
THOMAS HOLUB, D.C.,)	
)	COMBINED STATEMENT OF
RESPONDENT.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

COMES NOW the Iowa Board of Chiropractic Examiners (Board), and Thomas Holub, DC (Respondent), and enter into the following combined Statement of Charges, Settlement Agreement, and Final Order. Respondent was issued license number 022-A05492 on February 26, 1990. His license is current through June 30, 2008. The Board has jurisdiction over the parties and the subject matter.

STATEMENT OF CHARGES

Count I

1) Respondent is charged pursuant to Iowa Code Section 151.9(3) and 645 Iowa Administrative Code 45.2(28) with unethical conduct when he engaged in a sexual relationship with an employee who was also a patient in his practice.

Circumstances

2) Respondent has admitted to the Board that he engaged in a consensual sexual relationship with an employee who was also a patient in his practice.

SETTLEMENT AGREEMENT and FINAL ORDER

3) Respondent submitted to a professional sexual misconduct evaluation at the Program for Professionals / Center for Marital and Sexual Health in Beachwood,

Ohio, under the direction of Stephen Levine, MD, in early 2007. The Center concluded Respondent may safely continue to practice chiropractic and made a number of recommendations, which are included in the terms of probation set forth below.

Respondent agrees to comply with those recommendations.

4. **FIVE YEARS PROBATION:** Respondent's Iowa chiropractic license shall be placed on **probation for five (5) years** subject to the following terms and conditions:

- A. Continuing Education. The Center recommended Respondent obtain 30 hours of continuing education and self-study regarding professional boundaries over the next three years. Respondent has since completed a course in professional ethics at Case Western University on March 1-2, 2007, which was recommended by the Center and approved by the Board. Respondent agrees to complete the remaining hours of additional continuing education prior-approved by the Board in the next two years. Respondent agrees to complete by April 30, 2008, a professional boundaries program with Gary Schoener at the Walk in Counseling Center, 2421 Chicago Ave. S. Minneapolis MN 55404, 612.870.0574 or 612.870.0565. All hours of continuing education and self-study completed under this agreement shall be in addition to the continuing education requirement for renewal of Respondent's chiropractic license.
- B. Mental Health Counseling. Respondent shall continue in individual and conjoint therapy with a therapist approved by the Board. Respondent shall ensure the therapist submits written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the

Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of probation.

Respondent shall comply with all recommendations made by the therapist.

All costs associated with the counseling shall be the responsibility of Respondent.

- C. Re-Assessment. Respondent shall return for re-assessment to the Center for Marital and Sexual Health, Inc., in Beachwood, Ohio, under the direction of Dr. Steven Levine, in one year from the date of this order. Respondent shall ensure Dr. Levine provides a report to the Board following this re-assessment.
- D. Staff Notification. Respondent agrees to provide a copy of this Order to every current staff person and every employee working in his practice during the period of his probation. He shall provide to the Board signed verification from each current employee within thirty days of the date of this Order. He shall provide the Board signed verification from any future employee within thirty days of the date of employment in his office.
- E. Chaperone. Respondent shall ensure a female chaperone is present in the examination room at all times he is seeing female employees who are also patients in his practice. The identity and presence of the female chaperone shall be documented in each patient record.
- F. Patient Satisfaction Survey. Respondent shall implement a patient satisfaction survey in his practice. The patient satisfaction survey shall be approved by the Board, and copies provided to Respondent's therapist.
- G. Quarterly Reports. Respondent shall file sworn quarterly reports with the

Board attesting to his compliance with all the terms and conditions of this Reinstatement Order. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.

- H. Board Appearances. Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 645 IAC 9.7.
- I. Respondent shall obey all federal, state and local laws, and all rules governing the practice of chiropractic in Iowa.
- J. In the event Respondent fully complies with the terms of this Order, he may request termination of the probation no sooner than three years of the date of this Order. The Board has final discretion as to whether the probation shall be terminated prior to the expiration of the five year period.

5. In the event Respondent violates or fails to comply with any of the terms or conditions of this Combined Statement of Charges and Settlement Agreement, the Board may initiate action to suspend or revoke Respondent's Iowa chiropractic license or to impose other license discipline as authorized by law.

6. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of this Order.

7. This Combined Statement of Charges and Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Combined

Statement of Charges and Settlement Agreement, Respondent waives all rights to a contested case hearing, and waives any objection to the terms of this Combined Statement of Charges and Settlement Agreement.

8. This Combined Statement of Charges and Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration.

9. This Combined Statement of Charges and Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this Combined Statement of Charges and Settlement Agreement it shall be of no force or effect to either party.

10. The Board's approval of this Combined Statement of Charges and Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

This combined statement of charges, settlement agreement, and final order is approved by the board on April 11, 2007.