

BEFORE THE BOARD OF BEHAVIORAL SCIENCE  
OF THE STATE OF IOWA

---

IN THE MATTER OF	)	NO. 10-003
	)	
Carla Hughes,	)	<b>NOTICE OF HEARING</b>
	)	<b>AND STATEMENT OF CHARGES</b>
RESPONDENT.	)	

---

**COMES NOW** the Iowa Board of Behavioral Science (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued Iowa license 001084 on April 4, 2008. Respondent's license is current and will next expire on September 30, 2012. Respondent's address as reported to the Board is 1512 Cottonwood Lane NE, Cedar Rapids, Iowa 52402.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on November 1, 2012, before the Board of Behavioral Science. The hearing shall begin at 10:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Behavioral Science, 5<sup>th</sup> Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as 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.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Sara Scott, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and 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 pleadings you file with the Board office and serve upon all parties in the case.

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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 154D, and 272C.

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, 154D, and 272C and 645 IAC chapter 33. If the Board finds based on a preponderance of the evidence that the charges against you are substantiated, then Iowa Code Section 154D.5 regarding revocation of licensure shall apply.

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**

Respondent is charged with failure to comply with the current Code of Ethics of the American Counseling Association, in violation of 645 Iowa Administrative Code 33.2(1)(b).

### **Count II**

Respondent is charged with professional incompetency, in violation of 645 Iowa Administrative Code 33.2(3)(c) for a failure to exercise the degree of care which is

ordinarily exercised by the average practitioner acting in the same or similar circumstances.

### **Count III**

Respondent is charged with professional incompetency, in violation of 645 Iowa Administrative Code 33.2(3)(d) for a failure to conform to the minimal standard of acceptable and prevailing practice of the licensed mental health counselor in this state.

#### **D. FACTUAL CIRCUMSTANCES**

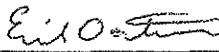
1. Respondent provided therapy to two minor clients for approximately three years.
2. During the course of her treatment to the two minor clients, Respondent prepared a diagnostic assessment of the minor clients' father, who was not her client, and diagnosed him with several psychiatric disorders. Respondent's diagnostic assessment of the father was done without his consent or knowledge and without utilizing appropriate assessment methods. Respondent's diagnostic assessment of the father was shared with child protective services' staff, as well as the court, without the father's consent.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact Sara Scott, Assistant Attorney General, at 515/242-0104.

**F. PROBABLE CAUSE FINDING**

On this 9<sup>th</sup> day of August, 2012, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.

  
\_\_\_\_\_, Chairperson  
Iowa Board of Behavioral Science

Copies to:

Sara Scott  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover Bldg.  
Des Moines, IA 50319

Carla Hughes