

BEFORE IOWA BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

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IN THE MATTER OF ) NO. 09-014  
)  
**Alesha Hansen,** ) **NOTICE OF HEARING**  
) **AND STATEMENT OF CHARGES**  
Respondent. )

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COMES NOW the Iowa Board of Physical and Occupational Therapy (“Board”) and hereby 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 occupational therapy assistant license number 00739 on September 29, 2005. Respondent’s license is active, and will expire on March 15, 2011. Respondent’s address as reported to the Board is 485 Kaufmann, Dubuque, Iowa 52001.

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

Hearing. A disciplinary contested case hearing shall be held on **March 18, 2011**, before the Board of Physical and Occupational Therapy. The hearing shall begin at **9:00 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 Physical and Occupational Therapy, 5th Floor, Lucas State Office Building, 321 East 12<sup>th</sup> Street, 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 641 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: September Lau, Assistant Attorney General, Iowa Attorney General's Office, 2nd 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, 148B, 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, 148B, and 272C and 645 IAC chapter 209.

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 pursuant to Iowa Code sections 147.2 and 272C.10(3) and 645 IAC 209.2(3) with “[k]nowingly making misleading, deceptive, untrue or fraudulent representation in the practice of occupational therapy or engaging in unethical conduct or practice harmful or detrimental to the public.”

### **Count II**

Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 645 IAC 209.2(7) with “[o]btaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.”

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent was employed as an occupational therapy assistant at Mercy Medical Center in Dubuque, Iowa, from June of 2008 to October of 2009.

2. Respondent provided care, including in-home care, to Patient A from July 6, 2009, to July 22, 2009.
3. Patient A possessed prescribed narcotic pain relievers including Tylenol-codeine.
4. Respondent visited the home of Patient A at least two times after Patient A was discharged from occupational therapy services. After these visits, Patient A was missing narcotic pain relievers.
5. Respondent provided care, including in-home care, to Patient B during October and November of 2008.
6. The Spouse of Patient B (Spouse) possessed prescribed narcotic pain relievers including hydrocodone/APAP.
7. Respondent visited the home of Patient B and Spouse on several occasions for almost a year after Patient B was discharged from occupational therapy services. At one point in 2009 Spouse noticed that Spouse was missing a bottle of narcotic pain relievers. Spouse noticed that Spouse was missing about thirty (30) narcotic pain relief pills following a visit by Respondent in October of 2009. Spouse also noted that each time Respondent visited, Respondent used the bathroom where the narcotic pain relievers were kept.
8. On September 8, 2009, a family member of Patient A reported Respondent's suspected theft of Patient A's narcotic pain relievers to Mercy Medical Center.
9. On October 9, 2009, a family member of Patient B and Spouse reported Respondent's suspected theft of Spouse's narcotic pain relievers to Mercy Medical Center.

#### **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 September Lau, Assistant Attorney General, at (515) 281-7175.

**F. PROBABLE CAUSE FINDING**

On this 17<sup>th</sup> day of December, 2010, the Iowa Board of Physical and Occupational Therapy found probable cause to file this Notice of Hearing and Statement of Charges.