

BEFORE THE BOARD OF BEHAVIORAL SCIENCE
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 12-014
)	
Patricia Walworth,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
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 00164 on September 28, 1995. Respondent's license is current and will next expire on September 30, 2014. Respondent's address as reported to the Board is 825 N 6th Street, Ste. 7, Burlington, Iowa 52601.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 7, 2013, 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, 5th 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: Laura Cathelyn, 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, 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.

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 knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public, in violation of 645 Iowa Administrative Code 33.2(4).

Count II

Respondent is charged with failing to maintain sufficient, timely, and accurate documentation in client records, in violation of 645 Iowa Administrative Code 31.12(1) and 31.12(4)(b).

Count III

Respondent is charged with acceptance of any fee by fraud or misrepresentation, in violation of 645 Iowa Administrative Code 33.2(10).

Count IV

Respondent is charged with violation of a regulation or law of this state, another state, or the United States, which relates to the practice of the profession, in violation of 645 Iowa Administrative Code 33.2(13).

D. FACTUAL CIRCUMSTANCES

1. Respondent provides mental health counseling as a sole practitioner.
2. Respondent's records were audited over the course of the years 2009 to 2011 and found to lack documentation for therapy services billed to a third-party payer. The missing documentation included missing or incomplete progress notes, assessments and treatment plans for multiple clients.
3. Respondent billed for individual therapy sessions when she saw siblings and/or siblings and their parent together.
4. Respondent was unable to locate any documentation for multiple individuals for whom she billed services.

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 Laura Cathelyn,

Assistant Attorney General, at 515/281-6690.

F. PROBABLE CAUSE FINDING

On this 8th day of August, 2013, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.

Emil Oortend, MA, LMHC, Chairperson
Iowa Board of Behavioral Science

Copies to:

Laura Cathelyn
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Patricia Walworth