

BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA

IN THE MATTER OF)	CASE NO. 12-006
)	
Rachel Suzanne Loos, D.C.)	
License No. 007329)	NOTICE OF HEARING AND
RESPONDENT.)	STATEMENT OF CHARGES
)	

COMES NOW the Iowa Board of Chiropractic (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and Iowa Administrative Code rule 645—11.6. Respondent was issued Iowa license 007329 on May 26, 2010. Respondent’s license is active and will next expire on June 30, 2012.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on July 11, 2012 before the Board. 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 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by Iowa Administrative Code rule 645—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 Chiropractic, 5th Floor, Lucas State Office Building, Des Moines 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 in Iowa Administrative Code chapter 645—11. At hearing, you may appear personally or be represented by 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 in Iowa Administrative Code rule 645—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 in Iowa Administrative Code rule 645—11.17.

Prosecution. The Office of 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:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

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 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, 151, 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, 151, and 272C and under Iowa Administrative Code rule 645—11.21.

Default. If you fail to appear at 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 Iowa Administrative Code rule 645—11.21.

C. STATUTES AND RULES INVOLVED

Count I

Respondent is charged with conviction of a felony related to the profession or occupation of the licensee or conviction of any felony that would affect the licensee's ability to practice within the profession in violation of Iowa Code section 147.55(5) and Iowa Administrative Code rule 645—45.2(11).

Count II

Respondent is charged with failure to notify the Board of a criminal conviction within thirty days of the action in violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645—45.2(15).

Count III

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 Iowa Code section 147.55(9) and Iowa Administrative Code rule 645—45.2(12).

Count IV

Respondent is charged with committing unethical conduct in violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645—45.2(28).

Count V

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 147.55(3) and Iowa Administrative Code rule 645—45.2(3).

D. FACTUAL CIRCUMSTANCES

1. Troy Newmyer, D.C. agreed to serve as a preceptor to the Respondent beginning on December 15, 2009. The preceptorship occurred prior to the Respondent's licensure to practice chiropractic.
2. During the preceptorship, the Respondent provided chiropractic services to patients outside of Dr. Newmyer's direct supervision.
3. During the preceptorship, the Respondent did not wear an identifier identifying herself as a chiropractic intern or chiropractic resident.
4. On July 6, 2011, the Respondent was convicted of Theft in the 1st Degree, a felony. The theft conviction stemmed from the Respondent's theft of funds during her employment at Dr. Newmyer's office prior to the preceptorship.
5. Respondent informed the Board of her conviction on September 22, 2011.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code chapter 645—12.

F. FINDING OF PROBABLE CAUSE

On April 26, 2012, the Iowa Board of Chiropractic found probable cause to file this Statement of Charges and to order a hearing set in this case.