BEFORE THE IOWA BOARD OF PHYSICIAN ASSISTANTS

IN THE MATTER OF)	NOS. 11-010
BRADLEY BEATTIE, P.AC		NOTICE OF HEARING AND STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Physician Assistants (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 001135 on February 20, 1998. Respondent's license is current and will next expire on September 30, 2014. Respondent's last known address is 2825 Chevenne Circle, Des Moines, Iowa, 50321.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on July 17, 2013, before the Board of Physician Assistants. The hearing shall begin at 9:00 AM and shall be located in the Lucas State Office Building, Fifth Floor Board 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 Physician Assistants, 5th Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

<u>Presiding Officer</u>. 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.

<u>Pre-hearing Conference</u>. 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.

<u>Prosecution</u>. 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.

<u>Communications</u>. 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

<u>Jurisdiction</u>. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148C, and 272C.

<u>Legal Authority</u>. 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, 148C, and 272C and 645 IAC chapter 329.

<u>Default</u>. 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 professional incompetency in that Respondent failed to conform to the minimal acceptable standard of acceptable and prevailing practice of a physician assistant in this state, in violation of 645 IAC 329.2(2)(d).

Count II

Respondent is charged with unethical conduct in that Respondent engaged in improper sexual contact with a patient, in violation of 645 IAC 329.2(28)(b).

D. FACTUAL CIRCUMSTANCES

1. Respondent at all relevant times was acting as a licensed physician assistant in the state of Iowa.

With Respect to Count I:

- 2. On or about July 17, 2009, Respondent wrote a Hydrocodone prescription for a physician assistant "Colleague." Respondent acknowledged he wrote the prescription to "cover" for Colleague's unauthorized ingestion of an opioid that would show up on a urine test. Respondent did not perform an examination on Colleague, take a medical history, or create any documentation of the encounter.
- 3. On or about July 20, 2009, Respondent wrote a letter to the Impaired Practitioner Recovery Program on behalf of Colleague stating that he had written the prescription and that he was aware of Colleague's past medical history.
- 4. On or about July 27, 2009, Respondent was contacted by his facility's medical records department and asked to complete documentation regarding the prescription.
- 5. On or about February 15, 2010, the Board issued a Letter of Warning against Respondent for the above-described conduct. The Letter of Warning specifically indicated concern that Respondent "inappropriately [wrote] a controlled substance prescription" and "intentionally [wrote] a letter to a state regulatory agency with information [Respondent] knew was false."
- 6. On or about October 12, 2010, Respondent prescribed Oxycodone, 20 tabs, to "Patient" for a skin condition. Patient had history of illicit drug use and "detox off opiates" in 2008, and an assessment of opioid dependence. Patient filled the Oxycodone prescription on October 12.
- 7. Patient filled a second prescription from Respondent for Oxycodone, 20 tabs, on October 20, 2010. There is no documentation regarding this second prescription in Patient's records.
- 8. On or about October 27, 2010, Respondent saw Patient again. Notes for that visit do not mention or document the October 20 prescription, and state that date of last visit was 10/12/10.

With Respect to Count II:

9. In July of 2008, Respondent treated Patient for substance abuse as an inpatient at Broadlawns in Des Moines. In August of 2008, Respondent

provided phone counseling to Patient while she was a patient at MECCA in Iowa City.

- 10. Respondent had two sexual encounters with Patient in the fall of 2009 and the spring of 2010.
- 11. As of August 2, 2010, Respondent had resumed seeing Patient as a patient. Respondent treated Patient until March of 2011.

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 515.281.5328.

F. PROBABLE CAUSE FINDING

On this February 26, 2013, the Iowa Board of Physician Assistants found probable cause to file this Notice of Hearing and Statement of Charges.

Theresa Hegmann, Chair

T. Hegman

Iowa Board of Physician Assistants

Copies to:

September Lau Assistant Attorney General Iowa Attorney General's Office 2nd Floor Hoover Bldg. Des Moines, IA 50319 ATTORNEY FOR THE STATE

Guy Cook 500 E. Court Ave., Ste 200 Des Moines, IA 50309 ATTORNEY FOR RESPONDENT