

BEFORE THE IOWA BOARD OF RESPIRATORY CARE

IN THE MATTER OF : No. 09-009
TERESHA KAYE PRATT : NOTICE OF HEARING AND
Respondent. : STATEMENT OF CHARGES

COMES NOW the Iowa Board of Respiratory Care and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code section 17A.12(2), 17A.18(3) and 645 Iowa Administrative Code 11.6. On August 18, 2006, the Board issued Respondent Iowa Respiratory Care License No. 02271. Respondent's license is inactive having expired March 31, 2010.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on February 15, 2011 with the Iowa Board of Respiratory Care. The hearing shall begin at 10:30 a.m. and shall be held in the conference room at the Lucas State Office Building, Fifth Floor Board Conference Room No. 526, Des Moines, Iowa.
2. Answer. Within twenty (20) days of the date you are served with this Statement of Charges you are required by Iowa Administrative Code section 645-11.12 to file an Answer. In the Answer you should also state whether you request a continuance of the date and time of the hearing.
3. Presiding Officer. The Board shall serve as the 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.
4. Hearing Procedures. The procedural rules governing the conduct of the

hearing are found in Iowa Administrative Code chapter 645-11. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in Iowa Administrative Code section 645-11.18. The hearing may be open to the public or closed to the public at your discretion.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Kristin W. Ensign, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by telephone, letter, facsimile, e-mail, or in person about this 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 a pleading you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Kristin W. Ensign at 515-281-6547.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 152C and 272C (2009).

8. 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, 152C and 272C and Iowa Administrative Code chapter 645.

9. 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 Iowa Administrative Code section 645-11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged with professional incompetency pursuant to Iowa Code §147.55(2), 272C.10(2) (2009) and I.A.C. 645-263.2(2)(c) and (d).

COUNT II

11. Respondent is charged with negligence in the practice of the profession pursuant to Iowa Code §147.55(3), 272C.10(3) and I.A.C. 645-263.2(10).

D. FACTUAL CIRCUMSTANCES

12. Respondent was a licensed respiratory therapist at the time of the events noted herein.

13. Respondent was employed by ChildServe Habilitation Center in 2008 and 2009.

14. On August 2, 2009, Respondent left a special needs child unattended during a treatment.

15. Respondent falsified medical records.

E. PROBABLE CAUSE FINDING

16. On this 18th day of November, 2010, the Iowa Board of Respiratory Care found probable cause to file this Statement of Charges.