#### BEFORE IOWA BOARD OF PHYSICIAN ASSISTANTS

IN THE MATTER OF	)	NO. 10-011
Harold Vanscoy,	)	NOTICE OF HEARING AND STATEMENT OF CHARGES
Respondent.	)	AND STATEMENT OF CHARGES

COMES NOW the Iowa Board of Physician Assistants ("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 license number 000987 on August 17, 1995. Respondent's license is active, and will expire on September 30, 2011. Respondent's address as reported to the Board is 1805 2<sup>nd</sup> Ave., Vinton, Iowa 52349.

## A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **April 20, 2011**, before the Board of Physician Assistants. The hearing shall begin at **10:30 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 Physician Assistants, 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 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 pursuant to Iowa Code section 147.55 and 645 Iowa Administrative Code 329.2(19) with "[f]ailure to comply with the terms of a board order or the terms of a settlement agreement."

## D. FACTUAL CIRCUMSTANCES

- 1. On October 22, 2010, the Board approved a Combined Statement of Charges, Settlement Agreement and Final Order (Agreement and Order) in case no. 10-011. In this document, Respondent was charged with violation of the terms of an impaired practitioner recovery contract.
- 2. According to the terms of the Agreement and Order, Respondent was required to participate in the Board's chemical screening program and to comply with all the requirements of that program.
  - 3. The Agreement and Order specified that two missed calls under the

chemical screening program would constitute a violation of the Agreement and Order. From December 1, 2010 to January 9, 2011, Respondent missed six (6) calls.

## 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 19<sup>th</sup> day of January, 2011, the Iowa Board of Physician Assistants found probable cause to file this Notice of Hearing and Statement of Charges.