

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STUART HOVEN, D.C., RESPONDENT

FILE No. 04-005

REINSTATEMENT ORDER

COMES NOW the Iowa Board of Chiropractic Examiners (the Board), and Stuart Hoven, D.C., (Respondent), on July 13, 2005, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2005), enter into this Reinstatement Order.

1. Respondent was issued license number 022-06439 to practice chiropractic in Iowa on August 24, 2001. Respondent's license is current through June 30, 2006.

2. Respondent's Iowa chiropractic license is currently indefinitely suspended pursuant to an order of the Board dated April 27, 2005.

3. **INDEFINITE SUSPENSION ORDER.** On April 27, 2005, the Board issued a Findings of Fact, Conclusions of Law, Decision, and Order following a contested case hearing in which it indefinitely suspended Respondent's license for unethical conduct when he improperly touched the breasts of two female patients and made improper and/or suggestive remarks to those patients. The Board provided that before Respondent could apply for reinstatement of his license, he must complete a professional boundary evaluation at a program approved by the Board, obtain a recommendation from that program that he is safe to return to practice, and pay hearing fees and costs.

4. **COMPREHENSIVE SEXUAL MISCONDUCT EVALUATION:**
Respondent underwent a comprehensive sexual misconduct evaluation at the Center for

Marital and Sexual Health, Inc. (Center), in Beachwood Ohio, under the direction of Dr. Stephen Levine, M.D., on May 5-6, 2005.

- A. The Center recommended Respondent document 30 hours of self-study regarding professional boundaries, using articles recommended by the Center, and provide a written summary regarding those articles before returning to practice. Respondent has complied with this requirement by completing over 60 hours of self-study regarding professional boundaries prior to the date of this Order.
- B. The Center recommended that Respondent take 5 hours at a continuing education program recommended by Dr. Levine before returning to practice. Respondent has complied with this requirement.
- C. The Center recommended that Respondent receive ongoing assistance from a mental health professional. To meet this requirement, Respondent will return to the Center on a regular basis, as provided in paragraph 5(A), below.
- D. The Center made a number of additional recommendations following Respondent's return to practice, which are included in the terms of probation set forth below.

5. **FIVE YEARS PROBATION:** Respondent's Iowa chiropractic license shall be placed on **probation for five (5) years** subject to the following terms and conditions:

- A. **Sexual Misconduct Counseling:** Respondent shall return to the Center for Marital and Sexual Health, Inc., in Beachwood, Ohio, under the direction of Dr. Steven Levine, on a regular basis. In the first year of his probation, Respondent will return to the Center for no less than one day every three months, and in the second year no less than one day every six months. After

two years, Respondent shall return to the Center as recommended by the Center.

(1) Respondent shall ensure the Center submits written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of probation.

(2) Respondent shall comply with all recommendations made by the Center.

(3) All costs associated with the counseling shall be the responsibility of Respondent.

B. Practice Restrictions:

(1) Upon his return to practice, and until further order of the Board, Respondent shall ensure a female chaperone is present in the examination room at all times he is seeing female patients. The identity and presence of the female chaperone shall be documented in each patient record. In the event the Board determines in the future a female chaperone is no longer required, Respondent must keep a door open at all times between the office and the examination room.

(2) Respondent must post in every patient dressing room a statement as to why patients are asked to remove their clothing. This statement has been reviewed and approved by the Board as a condition of Respondent's return to practice.

(3) Respondent shall implement a patient satisfaction survey in his practice. Respondent has submitted a patient satisfaction survey to

the Board for approval as a condition of his return to practice. Every day at a different hour (e.g., Monday 9-10:00, Tuesday 10-11:00, etc.) the patients who leave Respondent's office shall fill out the survey which assesses their comfort and satisfaction with Respondent's care. Respondent shall send these reports to the Board and to the Center every month until otherwise ordered by the Board, but in no case for less than one year. Any Board concerns raised by these surveys shall be shared with the Center.

- C. **Continuing Education.** Respondent shall complete a minimum of 10 hours a year of Board-approved continuing education on boundaries and ethics. These hours are in addition to those required for renewal of his chiropractic license. As a part of this requirement, Respondent shall complete a professional boundaries program with Gary Schoener at the Walk in Counseling Center, 2421 Chicago Ave. S. Minneapolis MN 55404, 612.870.0574 or 612.870.0565, within the first year of his probation.
- D. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Reinstatement Order. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.
- E. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 645 IAC 9.7.
- F. **Request for Termination of Probation:** Respondent may, if he

demonstrates successful compliance with the terms of his probation, request early termination of his probation. However, in no case may Respondent request termination of his probation before he has completed at least two years of his probation. The decision regarding early termination of Respondent's probation is within the Board's discretion.

6. Respondent shall obey all federal, state and local laws, and all rules governing the practice of chiropractic in Iowa.

7. In the event Respondent violates or fails to comply with any of the terms or conditions of this Reinstatement Order, the Board may initiate action to suspend or revoke Respondent's Iowa chiropractic license or to impose other license discipline as authorized by law.

8. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of this Reinstatement Order.

9. This Reinstatement Order constitutes the resolution of a contested case proceeding regarding the reinstatement of Respondent's license.

10. This Reinstatement Order is voluntarily submitted by Respondent to the Board for consideration.

11. By entering into this Reinstatement Order, Respondent voluntarily waives any rights to a contested case hearing on his request for reinstatement, and waives any objections to the terms of this Reinstatement Order.

12. This Reinstatement Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

13. The Board's approval of this Reinstatement Order shall constitute a **Final**

Order of the Board.

This Reinstatement Order is approved by the Board on July 15, 2005.