

BEFORE THE BOARD OF DIETETIC EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. DT 04-004
)	
JANE REINHARDT-MARTIN,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Board of Dietetic Examiners and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code Sections 17A.12(2) and 17A.18(3). Jane Reinhardt-Martin ("Respondent") was issued Iowa license no. 01316 on April 6, 1998. The license is active and will expire on June 15, 2008.

A. TIME, PLACE AND NATURE OF HEARING

A disciplinary contested case hearing shall be held on September 7, 2007, before the Board of Dietetic Examiners. The hearing shall begin at 11:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room # 526, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request that an Administrative Law Judge make initial rulings on pre-hearing matters and attend the hearing to assist and advise the Board.

Within twenty (20) days of the date you are served this Notice of Hearing you are required by 645 Iowa Administrative Code 11.12 to file an Answer. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. 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. The procedural rules governing the conduct of the hearing are found at 641 Iowa Administrative Code ("IAC") Chapter 11.

The Iowa Department of Justice is responsible for representing the public interest through 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: Susan J. Aden, Assistant Attorney General, Iowa Department of Justice, 2nd Floor, Hoover Building, Des Moines, Iowa 50319.

B. LEGAL AUTHORITY AND JURISDICTION

The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147 and 152A. 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 and 152A, and 645 IAC Chapter 83. 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 645 IAC 83.2(2)(b) with a substantial deviation from the standards of learning or skill ordinarily possessed and applied by other dietitians in the state of Iowa acting in the same or similar circumstances.

Count II

Respondent is charged pursuant to 645 IAC 83.2(2)(c) with failure to exercise the degree of care which is ordinarily exercised by the average dietitian acting in the same or similar circumstances.

Count III

Respondent is charged pursuant to 645 IAC 83.2(2)(d) with failure to conform to the minimum standard of acceptable and prevailing practice of licensed dietitians in the State of Iowa.

Count IV

Respondent is charged pursuant to 645 IAC 83.2(10) with negligence in the practice of the profession of dietetics.

Count V

Respondent is charged pursuant to 645 IAC 83.2(12) with violation of a regulation, rule, or law of this state which relates to the practice of dietetics.

D. FACTUAL CIRCUMSTANCES

1. Respondent was employed as a qualified dietitian for a long term care facility.
2. Respondent repeatedly failed to provide adequate, timely nutrition assessments, follow-up, and interventions for eight residents identified with weight loss.
3. Respondent failed to recommend appropriate nutrition interventions for residents with impaired skin integrity.
4. Respondent failed to adequately communicate with nursing staff, administration, dietary management, and physicians of her concerns regarding eight residents' weight loss. Respondent is required by 481 Iowa Administrative Code 58.24 to engage in adequate consultation with these staff.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code Chapter 12. If you are interested in pursuing settlement of this matter, please contact Susan Aden, Assistant Attorney General, at 515-281-7240.

F. PROBABLE CAUSE FINDING

On this 1st day of June, 2007, the Iowa Board of Dietetic Examiners found probable cause to file this Notice of Hearing and Statement of Charges.

This notice of hearing and statement of charges is approved by the board on June 1, 2007.