BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA

IN THE MATTER OF **Stuart Hoven, D.C.** License No. 06439 RESPONDENT.	)))))	CASE NO. 12-005 **NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Chiropractic (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Administrative Code rule 11.6. Respondent was issued Iowa license 06439 on August 24, 2001. Respondent's license is active and will next expire on June 30, 2012.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 30, 2012, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, Des Moines, Iowa 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 Iowa Administrative Code rule 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 Chiropractic, 5th Floor, Lucas State Office Building, Des Moines 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 in Iowa Administrative Code chapter 11. 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, 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 in 645 Iowa Administrative Code rule 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. 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 in 645 Iowa Administrate Code rule 11.17.

Prosecution. The Office of 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:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. 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 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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 151, and 272C.

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, 151, and 272C and under 645 Iowa Administrative Code rule 11.21.

Default. If you fail to appear at 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 Iowa Administrative Code rule 11.21.

C. STATUTES AND RULES INVOLVED

Count I

The Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 147.55(3) and Iowa Administrative Code rule 645—45.2(3).

Count II

The Respondent is charged with committing unethical conduct by having improper sexual contact with, or making suggestive, lewd, lascivious or improper

remarks or advances to a patient in violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645—45.2(28)(*b*).

D. FACTUAL CIRCUMSTANCES

1. Respondent is a chiropractor practicing in Winterset, Iowa.

2. On March 2, 2012 the Board received a complaint that Respondent grabbed a female patient's breast during an x-ray appointment on February 14, 2012.

3. On March 6, 2012 The Board received a second complaint that a patient reported to her treating physician that Respondent grabbed the patient's breast on February 14, 2012.

4. On July 15, 2010 the Board issued a Termination Order returning Respondent's chiropractic license to its full privileges free and clear of all restrictions placed on it stemming from a prior Board decision and order issued April 27, 2005.

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.

F. FINDING OF PROBABLE CAUSE

On April 26, 2012, the Iowa Board of Chiropractic found probable cause to file this Statement of Charges and to order a hearing set in this case.