BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA

IN THE MATTER OF	)	CASE NO. 11-002
	)	
Todd Hocraffer	)	**COMBINED NOTICE OF**
License No. 06703	)	**HEARING, SETTLEMENT**
RESPONDENT.	)	**AGREEMENT, AND**
	)	**FINAL ORDER**

COMES NOW the Iowa Board of Chiropractic (Board) and Todd Hocraffer (Respondent), enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code section 17A.10(2) and section 272C.3(4) (2009), and Iowa Administrative Code (IAC) rule 645—12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement, and Final Order.

2. Respondent was issued Iowa license 06703 on March 29, 2004. Respondent's license is current and will next expire on June 30, 2012.

LEGAL AUTHORITY AND JURISDICTION

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 151, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged with committing unethical conduct by having improper sexual contact with a patient in violation of Iowa Code § 147.55(9) and Board rule IAC 645—45.2(28)(b).

FACTUAL CIRCUMSTANCES

5. The Respondent treated a patient, K.D., on five occasions between July 26, 2010 and September 21, 2010.

6. The Respondent did not have a personal relationship with K.D. before chiropractic services began.

7. While K.D. was Respondent's patient, K.D. and Respondent engaged in a sexual relationship.

SETTLEMENT AGREEMENT AND FINAL ORDER

8. Respondent admits the allegations contained in Count I and agrees to enter into this Settlement Agreement to resolve this matter without proceeding to hearing.

9. Respondent is hereby CITED for committing unethical conduct by engaging in an improper sexual relationship with a patient, and WARNED that his failure to comply with the laws governing the practice of chiropractic in Iowa could result in further discipline against his Iowa chiropractic license, including suspension or revocation.

10. Respondent agrees that his license to practice chiropractic in the State of Iowa will be placed on PROBATION for five years, subject to the following terms and conditions:

A. Within sixty (60) days, Respondent shall submit to a Board-approved comprehensive evaluation by Gary Schoener, Licensed Psychologist, Walk In Counseling Center, 2421 Chicago Ave. S., Minneapolis, MN 55404, Work: 612/870-0565. Respondent must sign all necessary releases for the Board to release information to Mr. Schoener and for Mr. Schoener to share information with the Board and provide the Board with a written evaluation report and recommendations for treatment. Following the evaluation, Respondent must fully comply with any treatment recommendations made as a result of the evaluations.

B. Within six (6) months, Respondent shall successfully complete the National Board of Chiropractic Examiners' Ethics and Boundaries Examination (E&B). The Board shall have prior approval of the content of the exam.

C. Respondent shall provide the Board verification of completion of six (6) hours of continuing education meeting the standards set forth in 645 IAC chapter 44 in the areas of professional boundaries within 90 days from the date this agreement is accepted by the Board. These hours shall not count toward Respondent's continuing education renewal requirements. Respondent is responsible for all costs associated with the continuing education.

D. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Combined Order addressing the status of each condition of this order and any conditions required as a result of the evaluation as determined by the

Board. The reports shall be filed no later than 1/10, 4/10. 7/10, and 10/10 of each year of Respondent's probation.

E. In the event Respondent fully complies with the terms of this Combined Order, he may request termination of the probation no sooner than three years from the date of this Combined Order. The Board has final discretion as to whether the probation shall be terminated prior to the expiration of the five-year period.

11. This Combined Notice of Hearing, Settlement Agreement, and Final Order constitutes the resolution of a contested case proceeding.

12. By entering into this Combined Notice of Hearing, Settlement Agreement, and Final Order, Respondent voluntarily waives any rights to a contested hearing on the allegations contained in the Factual Circumstances, and waives any obligation to the terms of the Settlement Agreement.

13. This Combined Notice of Hearing, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for consideration.

14. Respondent acknowledges that he has the right to be represented by counsel in this matter.

15. Respondent agrees that the State's counsel may present this Combined Notice of Hearing, Settlement Agreement, and Final Order to the Board *ex parte*.

16. This Combined Notice of Hearing, Settlement Agreement, and Final Order must be approved by the Board. If the Board fails to approve this Combined Notice of Hearing, Settlement Agreement, and Final Order it shall be of no force or effect to either party.

17. Respondent understands that this Order is a public record and is, therefore, subject to inspection and copying by members of the public.

18. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

19. Any failure by Respondent to comply with the terms and conditions of this Order may subject Respondent to further licensee disciplinary action by the Board.

20. The Board's approval of this Combined Notice of Hearing, Settlement Agreement, and Final Order shall constitute a **FINAL ORDER** of the Board.

This Combined Notice of Hearing, Settlement Agreement, and Final Order is approved by the Board July 14, 2011.