

BEFORE IOWA BOARD OF PHYSICIAN ASSISTANTS

IN THE MATTER OF)	NO. 13-001
)	
Russell Lee Quinton,)	STATEMENT OF CHARGES
)	
Respondent.)	

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 001887 on February 11, 2008. Respondent’s license is active, and will expire on September 30, 2014. Respondent’s address as reported to the Board is 1717 231st Street, Letts, Iowa 52754.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **July 17, 2013**, before the Board of Physician Assistants. The hearing shall begin at **9:15 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 12th 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.

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 at 645 IAC 11.17.

Prosecution. 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.

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 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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148C, 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, 148C, and 272C and 645 IAC chapter 329.

Default. 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(9), and 645 IAC 329.2(12) with violation of a regulation of this state in that Respondent failed to meet the continuing education requirement for licensure.

Count II

Respondent is charged pursuant to Iowa Code section 147.55(9), and 645 IAC 329.2(21) with failing to submit the required report of continuing education.

Count III

Respondent is charged pursuant to Iowa Code sections 147.55(1) and 645 IAC 329.2(1) with fraud in procuring a license.

FACTUAL CIRCUMSTANCES

1. On Respondent's application for renewal, submitted on or about October 1,

2012, Respondent stated that Respondent had obtained all of the continuing education required for renewal.

2. Pursuant to 645 IAC 328.2, Respondent was required to obtain 100 hours of continuing education between October 1, 2010 and September 30, 2012.

3. Respondent did not complete all of his continuing education requirements.

4. On or about November 6, 2012, the Board sent Respondent a letter informing him that he had been selected for audit, and that he was required to submit a report of his continuing education within 30 days. Respondent failed to respond to this letter by December 6, 2012.

5. Respondent received a second letter from the Board on December 18, 2012. The second letter gave Respondent until January 13, 2013 to submit the required report of his continuing education.

6. To date, Respondent has not responded to either letter or provided documentation of his continuing education requirements, as required by 645 IAC 4.11.

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 17th day of April, 2013, the Iowa Board of Physician Assistants found probable cause to file this Notice of Hearing and Statement of Charges.

A handwritten signature in black ink, appearing to read "T. Hegmann". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Chair, Board of Physician Assistants

Copies to:
September Lau
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Russell Quinton