

IOWA BOARD OF CHIROPRACTIC

IN THE MATTER OF:)	CASE NO. CH 12-013
)	DIA NO. 13ICB001
CASSIEMAE BRADLEY, D.C.)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
APPLICANT)	DECISION AND ORDER

On January 19, 2013, the Iowa Board of Chiropractic (Board) filed a Preliminary Notice of Intent to Deny Licensure to Cassiemae Bradley, D.C. (Applicant). Dr. Bradley appealed, and a hearing was held on April 10, 2013 at the Lucas State Office Building, Des Moines, Iowa. Dr. Bradley appeared and was self-represented. The state of Iowa was represented by Assistant Attorney General Meghan Gavin. The following Board members were present for the hearing: Chairperson John Calisesi, D.C.; Aaron Martin, D.C.; Bradley Brown, D.C.; Nancy Kahle, D.C., and Joellen Jensen, public member. Administrative Law Judge Margaret LaMarche from the Iowa Department of Inspections and Appeals assisted the Board in conducting the hearing and was instructed to prepare the Board's Decision in conformance with their deliberations.

THE RECORD

The record includes the Notice of Hearing, the testimony of Kimberly Groves and Cassiemae Bradley, D.C, and State Exhibits 1-24.

FINDINGS OF FACT

1. Dr. Cassiemae Bradley was raised in Arizona and attended college in Arizona and Nebraska. She graduated from Parker Chiropractic College in Dallas, Texas in August 2010 and was initially licensed to practice chiropractic in the state of Colorado. After practicing in Castle Rock, Colorado for approximately eight months, Dr. Bradley moved to Omaha, Nebraska for another chiropractic position. Dr. Bradley obtained a Nebraska license to practice chiropractic on July 28, 2011. Dr. Bradley's Colorado license expired on October 31, 2011. Her Nebraska license expired on August 1, 2012. She does not currently hold a license to practice chiropractic in any state. (Dr. Bradley testimony; State Exhibits 1, 18)

2. In 2007, while still an undergraduate student in Nebraska, Dr. Bradley was convicted of Driving Under the Influence (DUI)-1st Offense. (Dr. Bradley testimony; State Exhibit 1, p. 3; State Exhibit 6, pp. 21, 24)

On August 12, 2011, Dr. Bradley was arrested for Driving Under the Influence (DUI)-2nd Offense in Douglas County, Nebraska. Dr. Bradley pled guilty to DUI-2nd Offense on September 23, 2011 and was placed on supervised probation for a period of two years. She was ordered to pay a \$500 fine and to serve 30 days in jail. Her driver's license was suspended for a period of 365 days, although she was allowed to apply for an approved ignition interlock device and an ignition interlock driving permit. She was required to obtain a chemical dependency evaluation, complete outpatient treatment, attend Alcoholics Anonymous (AA) meetings, and abstain from the use or possession of alcohol or controlled substances, except by prescription. Respondent was assigned a Nebraska probation officer, Damon Strong. Dr. Bradley obtained a chemical dependency evaluation on November 2, 2011, which recommended that she attend a six week outpatient treatment intervention class. (Dr. Bradley testimony; State Exhibit 3)

3. Dr. Bradley's lost her job in Nebraska after she was convicted of DUI-2nd Offense. In February 2012, Dr. Bradley moved to Iowa in February 2012 at the suggestion of her aunt. On April 29, 2012, Dr. Bradley filed an application for an Iowa chiropractic license. She properly disclosed her two DUI convictions with the application. (Dr. Bradley testimony; State Exhibit 3)

4. Beginning in July 2012 and prior to obtaining an Iowa chiropractic license, Dr. Bradley leased an existing chiropractic practice at 4649 Pleasant Street in West Des Moines, Iowa from Dr. Lindsey Calvert-Downey. Dr. Calvert-Downey left the practice on or about June 30, 2012. Dr. Bradley named her new business "New Hope Wellness Center." Dr. Bradley advertised New Hope Wellness Center on the internet through various websites and social media and described herself as the "chiropractor/owner." Dr. Bradley rented rooms to a licensed esthetician and a licensed massage therapist. (Kimberly Groves testimony; State Exhibit 6, pp. 20-22; Exhibits 7-15)

5. On or about September 11, 2012, the Board asked the Department of Inspections and Appeals to investigate a complaint that Dr. Bradley was practicing chiropractic in Iowa without a license. DIA Investigator Kimberly

Groves obtained documentation that New Hope Wellness Center was advertising to the public. She also made several calls to the phone number listed for New Hope Wellness Center. The voice mail message for New Hope Wellness Center stated that Dr. Bradley was either out of the office or was with a patient. (Groves testimony; State Exhibit 6, p. 20)

On September 13, 2012, Ms. Groves made an unannounced visit to New Hope Wellness Center. Ms. Groves spoke to Heather Kasper, who was renting a room from Dr. Bradley. Ms. Kasper told Groves that Dr. Bradley was out but would likely respond to Groves if she left a message for her. Ms. Kasper told Groves that Dr. Bradley was a good chiropractor and had adjusted her. Ms. Groves picked up one of Dr. Bradley's business cards, which listed Dr. Bradley as the chiropractor/owner of New Hope Wellness Center and provided contact information for her. (Groves testimony; State Exhibit 6, p. 20; Exhibit 14)

6. On September 18, 2012, Kimberly Groves found a vehicle registered to Dr. Bradley parked in the New Hope Wellness parking lot. Ms. Groves then observed Dr. Bradley enter the vehicle and drive away. On September 20, 2012, Kimberly Groves called Dr. Bradley and asked if she was accepting new patients. Dr. Bradley told Groves that she would not be accepting patients until mid-October, and she referred Groves to another chiropractor. (Groves testimony; State Exhibit 6, p. 20)

7. On October 1, 2012, Kimberly Groves interviewed Dr. Bradley's Nebraska probation officer, Damon Strong. Mr. Strong informed Groves that Dr. Bradley was unable to drive in Nebraska because she did not have an ignition interlock device. To his knowledge, Dr. Bradley was not currently licensed to drive in any state, although she would soon be eligible to reapply for a driver's license in her home state of Arizona.

Dr. Bradley had provided Damon Strong the following information about her current status in Iowa:

- She was living with her aunt and uncle, who assist her with transportation;
- She was working at a restaurant, at a wedding shop, and part-time as a chiropractor at her own business in West Des Moines;
- She was treating a few patients on Tuesdays and Thursdays and renting a room to another professional to help pay the \$2000 monthly lease on her

- business; and
- The Board had granted her a temporary license after their July meeting and she would obtain her permanent license in mid-October.

Kimberly Groves told Damon Strong that Dr. Bradley had not been granted a temporary license and she was not authorized to practice chiropractic in Iowa. She also told Strong that she had observed Dr. Bradley driving in Iowa. According to the records of the Iowa Department of Transportation, Dr. Bradley did not have an Iowa driver's license. (Groves testimony; State Exhibit 6, pp. 20-22)

8. On October 8, 2012, Kimberly Groves interviewed CherylAnne Young, a licensed esthetician who had been renting a room from Dr. Calvert-Downey, D.C., before Dr. Bradley took over Dr. Calvert-Downey's lease. Ms. Young reported that Dr. Bradley terminated her contract shortly after taking over the business. Ms. Young also told Groves that she saw Dr. Bradley treat three different patients prior to the time her contract was terminated. At the time, Ms. Young assumed that Dr. Bradley was licensed. (Kimberly Groves testimony; State Exhibit 6, p. 22)

9. On October 9, 2012, Kimberly Groves returned to New Hope Wellness Center and again observed the vehicle registered to Dr. Bradley in the parking lot. Groves entered the business, identified herself to Dr. Bradley, and asked Dr. Bradley for identification. Dr. Bradley produced an Arizona identification card and told Groves that she did not have a driver's license but could reapply for her Arizona license within a week.

Dr. Bradley told Kimberly Groves that she started renting office space from Dr. Lindsey Calvert-Downey in July 2012. When questioned, Dr. Bradley denied treating any patients. Groves reminded Dr. Bradley of the importance of being honest and cooperating with the Board's investigation, but Dr. Bradley continued to deny treating patients. When Groves told Dr. Bradley that she had received some conflicting information, Dr. Bradley admitted that she had adjusted her boyfriend (AS) a few times in the office without charging him. Dr. Bradley continued to deny that she treated any other patient. When Ms. Groves specifically asked Dr. Bradley about patient DS, Dr. Bradley admitted treating DS on September 14, 2012 and charging him \$40. Eventually, Dr. Bradley admitted that she had treated a total of seven patients since July 2012. Dr. Bradley did not have a patient file for four of the seven patients, and one patient file did not

include a health history, dictation, or notes.

When asked why she was treating patients without a license, Dr. Bradley told Kimberly Groves that after the Board's July meeting, the Board's Executive Officer, Pierce Wilson, told her that her license was approved and would be mailed within the next two weeks. Dr. Bradley told Groves that she began treating patients based on this information. She claimed that she tried to call Mr. Wilson when she did not receive her license, but he did not return her calls. Dr. Bradley denied telling her probation officer that she had a temporary license. (Groves testimony; State Exhibit 6, pp. 23-24)

When Kimberly Groves asked Dr. Bradley why she was driving in violation of her probation, Dr. Bradley denied she was driving. After Groves informed Dr. Bradley that she had seen her driving on more than one occasion, Dr. Bradley admitted that she drives occasionally because she does not like to impose on others. Dr. Bradley also admitted that she had tested positive for alcohol in April/May 2012. (Groves testimony; State Exhibit 6, p. 24)

10. On October 25, 2012, Kimberly Groves called Dr. Bradley to further discuss her probationary status in Nebraska. Dr. Bradley reported that:

- she had another year of probation in Nebraska;
- she met with her probation officer on October 10, 2012, and he agreed that she could remain in Iowa; and
- she had completed the required Victim Impact Statement, substance abuse evaluation, AA meetings, six outpatient treatment sessions, and had paid her fees, as required by the terms of probation.

Dr. Bradley provided documentation that she completed the Powell Chemical Dependency Center's Public Education Program on October 16, 2012. (Groves testimony; State Exhibit 6, p. 24; State Exhibits 3-5)

11. On January 9, 2013, the Board issued its Preliminary Notice of Intent to Deny Licensure to Dr. Bradley. The denial was based on the findings of the DIA Investigative Report, including the finding that Dr. Bradley was practicing chiropractic without an Iowa license. (State Exhibit 21)

12. At hearing, Dr. Bradley admitted that she treated patients without first obtaining an Iowa license. Dr. Bradley described it as a "misunderstanding" and

stated she “jumped the gun” when she started to treat patients before receiving a license. Dr. Bradley initially testified that she understood, from speaking to Executive Officer Pierce Wilson on the phone, that the Board had approved granting her a license “on a contingency.” On cross examination, Dr. Bradley agreed that she was told that the Board had agreed to grant her license application if she signed a Consent Agreement. Dr. Bradley recalled receiving the Consent Agreement by email. She admits that the Consent Agreement was never approved by the Board. (Dr. Bradley testimony)

CONCLUSIONS OF LAW

The Board may refuse to grant a license for any grounds for which a license may be revoked or suspended.¹ A person shall not engage in the practice of chiropractic unless the person has obtained a license for that purpose from the Board.² The Board is authorized to revoke, suspend, or otherwise discipline a license for:

- Conviction of a crime related to the profession or occupation of the licensee or conviction of any crime that would affect the licensee’s ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence;³
- Engaging in any conduct that subverts or attempts to subvert a board investigation;⁴
- Representing oneself as a chiropractic physician when one’s license has been suspended or revoked, or when one’s license is on inactive status,⁵
- Permitting an unlicensed employee or person under the licensee’s control to perform activities requiring a license.⁶

Dr. Bradley’s application was given careful scrutiny in light of her recent conviction for DUI-2nd. This type of conviction may indicate that an application has an alcohol addiction or alcohol abuse problem, which may affect the person’s ability to safely practice chiropractic. Prior to the completion of the application

¹ Iowa Code section 147.4(2011, 2013)

² Iowa Code section 147.2(2011,2013)

³ 645 IAC 45.2(11).

⁴ 645 IAC 45.2(17).

⁵ 645 IAC 45.2(25).

⁶ 645 IAC 45.2(27).

process, Dr. Bradley began treating patients in Iowa. The Board has ample legal grounds to deny Dr. Bradley's application based on her practice of chiropractic in this state without a license. In addition, Dr. Bradley was not honest when the DIA Investigator asked her if she had treated patients in Iowa and if she was driving in violation of the terms of her Nebraska probation. Upon review of the entire record, including Dr. Bradley's testimony, the Board believes that Dr. Bradley has taken responsibility for her actions and should be given the opportunity to obtain an Iowa license, subject to the terms and conditions of probation outlined in this Decision and Order.

ORDER

IT IS THEREFORE ORDERED that the Application for Chiropractic Licensure, filed by Dr. Cassiema Bradley, D.C., shall be GRANTED upon her satisfactory completion of six (6) hours of continuing education on the topic of ethics. This initial ethics course must be pre-approved by the Board or the Board's designee and may be completed on-line and shall not be used for licensure renewal. Upon verification of her satisfactory completion of this ethics requirement, Dr. Bradley shall be ISSUED an Iowa license, which shall immediately be placed on PROBATION for a period of five (5) years, subject to the following terms and conditions:

- A. In addition to the hours of continuing education required for license renewal, Dr. Bradley will be required to complete three (3) hours of continuing education on ethics each year for each license renewal period that occurs during the probationary period. These additional hours of continuing education must be pre-approved by the Board or the Board's designee and must be taken in-person, rather than on-line and shall not be used for licensure renewal. Dr. Bradley shall provide the Board with written verification of her completion of the continuing education prior to license renewal.
- B. Dr. Bradley shall report any new alcohol-related arrest to the Board within seven (7) days of its occurrence.
- C. Dr. Bradley shall fully comply with all of the requirements of her criminal probation in the state of Nebraska.
- D. Dr. Bradley shall file written quarterly reports with the Board

providing current information concerning her address, telephone number, employment, practice locations, driver's license status, and the status of her probation in the state of Nebraska.

E. Dr. Bradley shall comply with all statutes and rules pertaining to the practice of chiropractic in the state of Iowa and shall comply with all applicable standards of chiropractic care.

F. After three (3) years of successful probation, Dr. Bradley may apply to the Board for an early release from the terms of probation.

Dated this 21st day of May, 2013.



Dr. John Calisesi, D.C.
Chairperson
Iowa Board of Chiropractic

cc: Meghan Gavin, Assistant Attorney General (Local)
Cassiema Bradley, D.C. (Restricted Certified Mail)

Judicial review of the Board's action may be sought in accordance with the terms of the Iowa Administrative Procedure Act. 645 IAC 11.29.