

BEFORE THE IOWA BOARD OF PHYSICIAN ASSISTANTS

RE:) Case No. 20-0005
Physician Assistant License of)
)
MELANIE PLAIN) **NOTICE OF HEARING AND**
License No. 001669) **STATEMENT OF CHARGES**
)
Respondent.)

COMES NOW the Iowa Board of Physician Assistants (“Board”) and issues this Notice of Hearing and Statement of Charges against Melanie Plain (“Respondent”) pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent’s license number 001669 to practice as a physician assistant is currently active through September 30, 2022.

A. TIME, PLACE, AND NATURE OF HEARING.

Date and Time. A contested case hearing shall be held on Wednesday, January 27, 2021, before the Iowa Board of Physician Assistants. The hearing shall begin at 10:00 A.M.

Electronic Hearing. Due to the ongoing COVID-19 public health emergency, the hearing will be held electronically via the WebEx platform. At the time of your hearing, please use the link <https://www.webex.com>, then click “join.” Please enter the meeting ID number: 146 639 4271, and then the meeting password: KpzAubE392?. If you are unable to join via the WebEx platform or if you prefer to participate telephonically, please use the phone number 408-418-9388 and enter the same meeting ID number listed above.

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 and Exhibits. Pleadings shall be filed with the Board at the following address: Iowa Board of Physician Assistants, Lucas State Office Building, 5th Floor, 321 East 12th Street, Des Moines, Iowa 50319.

Presiding Officer. The Board shall serve as presiding officer during the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters and requests the judge be present to assist and advise the Board at the hearing.

Prehearing Conference. Any party may request a prehearing conference in accordance with 645 Iowa Administrative Code rule 11.17 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 Iowa Administrative Code chapter 11. At the 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 the hearing. If you need to request an alternative time or date for the 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.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of documents filed with the Board should be provided to counsel for the State at the following address: Iowa Attorney General's Office, Attn: Tessa Register, Hoover State Office Building, 2nd Floor, Des Moines, Iowa 50319. Ms. Register can be reached by phone at (515) 281-5112, or by e-mail at Tessa.Register@ag.iowa.gov.

Communications. You may contact the Board office at (515) 281-6959 with questions regarding this Notice of Hearing and Statement of Charges and other matters relating to this disciplinary proceeding. You may not contact board members, including by phone, letter, or e-mail about this Notice of Hearing. 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 documents 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 17A, 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 147, 148C, and 272C and under 645 Iowa Administrative Code chapters 13 and 329.

Default. If you fail to appear at the hearing, the Board may enter a default judgment 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. CHARGES

COUNT I

Respondent is charged with engaging in unethical conduct pursuant to 645 Iowa Administrative Code rule 329.2(28).

COUNT II

Respondent is charged with failing to conform to the minimal standard of acceptable and prevailing practice of a physician assistant in this state pursuant to 645 Iowa Administrative Code rule 329.2(2)(d).

D. FACTUAL CIRCUMSTANCES

1. Respondent had a patient-provider relationship with Patient 1 in her capacity as a physician assistant, which included prescribing controlled substances to Patient 1.
2. Respondent never provided formal notice to Patient 1 to notify Patient 1 of the end of the patient-provider relationship.
3. On October 30, 2019, Respondent had an appointment with Patient 1 wherein she issued a one-month prescription for hydrocodone-acetaminophen 5 mg-325 mg in her capacity as a physician assistant.
4. Three days later, Respondent conducted an “Authentic Tantra” session with Patient 1. At the time of this session Respondent had not received Authentic Tantra certification.
5. Respondent engaged in sexual contact with Patient 1 during the tantra session. Respondent did not refer Patient 1 to another sexologist for treatment, despite prescribing controlled substances to Patient 1 three days prior to the session.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board’s settlement process may be found at 645 Iowa Administrative Code rule 12.1. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Tessa Register at (515) 281-5112.

F. FINDING OF PROBABLE CAUSE

On this 28th day of October, 2020, the Iowa Board of Physician Assistants found probable cause to file this Notice of Hearing and Statement of Charges.



Melissa Gentry, Chairperson
Iowa Board of Physician Assistants

PLEASE NOTE: If you required the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).