

BEFORE THE BEHAVIORAL SCIENCE BOARD OF THE STATE OF IOWA

<p>IN THE MATTER OF</p> <p>Rachel Roberts</p> <p>708 E. Saint Andrews Circle Dakota Dunes, SD 57049</p> <p>RESPONDENT</p>	<p>CASE NO.: 23-0149</p> <p>NOTICE OF HEARING AND STATEMENT OF CHARGES</p>
--	---

COMES NOW the Iowa Board of Behavioral Science (“Board”) and files this Notice of Hearing and Statement of Charges against Rachel Roberts (“Respondent”), pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 645 IAC 11.6.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on September 12, 2024 before the Board. The hearing shall begin at 10:00 a.m. and shall be located in the conference room at the office of the Iowa Board of Behavioral Science, 6200 Park Avenue, Des Moines, Iowa.
2. **Scheduling Conference.** A scheduling conference to schedule pre-hearing deadlines shall be held by telephone on March 5, 2024 at 1:00 p.m. before Administrative Law Judge Kristine Dreckman from the Iowa Department of Inspections, Appeals and Licensing (ALJ) at the following conference line, 1-855-638-5575. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 645 IAC 11.17.
3. **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. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.
4. **Filing of Pleadings.** Pleadings shall be filed with the Board at the following address: Iowa Board of Behavioral Science, 6200 Park Avenue, Des Moines, Iowa 50321, by email to

tony.alden@dia.iowa.gov, or electronically using the Administrative Electronic Document Management System (adminhearings.iowa.gov/efile/).

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

6. **Prehearing Conference.** Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with 645 IAC 11.17.

7. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at 645 IAC 11.19. At the 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 the discretion of the Respondent.

8. **Prosecution.** The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Lindsey L. Browning, Assistant Attorney General, Office of the Iowa Attorney General Brenna Bird, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50309 or e-mail to lindsey.browning@ag.iowa.gov.

9. **Communications.** You may not contact Board members in any manner, including by phone, letter, facsimile, in person 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 and serve upon all parties in the case. You may contact Tony Alden, Executive Director, Iowa Board of Behavioral Science, at 515-281-4401 or tony.alden@dia.iowa.gov, or Assistant Attorney General Lindsey L. Browning at 515-281-3441 or lindey.browning@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

10. **Iowa License.** Respondent was issued Iowa temporary mental health counselor license 106752 on July 15, 2021. Respondent’s Iowa temporary license is active and will next expire on July 15, 2024.

11. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 154D.

12. **Legal Authority.** If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code § 147.55. and 645 IAC 4 *et seq.*

13. **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

14. Respondent is charged under 645 IAC 32.2(1)(b) with failure to comply with the current Code of Ethics of the American Counseling Association, specifically Rule B.5.b “Responsibility to Parents and Legal Guardians”.

COUNT II

15. Respondent is charged under 645 IAC 32.2(1)(b) with failure to comply with the current Code of Ethics of the American Counseling Association, specifically Rule C.2.a “Boundaries of

Competence”.

D. STATEMENT OF THE MATTERS ASSERTED

16. **Practice Setting.** Respondent is an Iowa licensed mental health counselor who practiced in Iowa, during the time relevant to these allegations. Respondent currently lives in Dakota Dunes, South Dakota.

17. **Allegations.** A short and plain Statement of the Matters Asserted (Statement) was reviewed and approved by the Board at the time this Notice of Hearing and Statement of Charges was filed. The Statement shall be furnished to Respondent as an attachment to this Notice of Hearing and Statement of Charges. However, the Statement is not a public record.

E. SETTLEMENT

18. This matter may be resolved by settlement agreement. The procedural rules governing the Board’s settlement process are found at 645 IAC 12.1. If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified above.

F. PROBABLE CAUSE FINDING

19. On December 4, 2023, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.

/s/ Amy Mooney
Vice - Chairperson
Iowa Board of Behavioral Science

Copy to:
Lindsey L. Browning
Assistant Attorney General
Office of the Iowa Attorney General
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50309

PLEASE NOTE: If you require 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).