

**BEFORE THE BEHAVIORAL HEALTH PROFESSIONALS BOARD  
OF THE STATE OF IOWA**

RE: Mental Health Counselor License of  <b>MACKENZIE TROTTER</b> License No. 095990  RESPONDENT	CASE NO.: 21-0087  <b>SETTLEMENT AGREEMENT AND FINAL ORDER</b>
---	--

**COMES NOW** the Iowa Board of Behavioral Health Professionals (“Board”) and Mackenzie Trotter (“Respondent”), pursuant to Iowa Code §§ 17A.10(2), 272C.3(4), and chapter 154D, enter into this Settlement Agreement and Final Order (“Settlement Agreement”).

**1. Iowa License.** Respondent was issued mental health counselor license no. 095990 on June 29, 2021. Respondent’s license is active and next expires on September 30, 2026.

**2. Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 154D, and 272C as well as 645 Iowa Administrative Code Chapter 33.

**A. STIPULATIONS**

**3. Practice Setting:** Respondent practiced under supervision with temporary mental health counselor license no. 079496 in Des Moines, Iowa, during the time-period relevant to these allegations.

**4. Statement of Charges:** On or about February 16, 2023, the Iowa Board of Behavioral Science<sup>1</sup> found probable cause to file a Notice of Hearing and Statement of Charges in this matter and charged Respondent with failure to comply with sections of the Code of Ethics of the American Counseling Association (2014), in violation of Iowa Administrative Code rule 645-33.2(1)(b).

---

<sup>1</sup> The Board of Behavioral Science has since merged into the Board of Behavioral Health Professionals.

**5. Allegations:** Respondent holds mental health counselor license 095990. At all relevant times, Respondent practiced under supervision with a temporary mental health counselor license. Respondent's former employer filed a complaint with the Board alleging violations of rules governing the profession. The Board investigated the allegations and engaged a peer reviewer to evaluate Respondent's conduct. The peer reviewer concluded Respondent's conduct violated the ethical rules established in the Code of Ethics of the American Counseling Association (2014) ("ACA"). Specifically, Respondent did not discuss changes in diagnoses with her clinical supervisor on one or more occasions and did not properly document her use of the differential diagnosis process in the EHR when diagnosing clients with attention-deficit/hyperactivity disorder on one or more occasions, in violation of the requirements of ACA section C.2.b. (new specialty areas of practice). Respondent also failed to retain copies of relevant documents, text messages, and emails in client records, in violation of ACA section H.2.a. (informed consent and disclosure). These violations of the ACA rules constitute a violation of Iowa Administrative Code rule 645-33.2(1)(b).

## **B. SETTLEMENT AGREEMENT**

**6.** Respondent denies any wrongdoing but acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Settlement Agreement. Respondent does not agree to any wrongdoing but enters into this Settlement Agreement to avoid the uncertainty and expense of a contested case proceeding.

**7.** To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. *Practice Mentor.* Respondent shall submit the name and credentials of a proposed

practice mentor within **30 DAYS** of the date this Settlement Agreement is entered by the Board. The proposed practice mentor must be a licensed mental health provider in Iowa with no disciplinary history and have at least 8 years of experience. The practice mentor may not work at the same organization/business as Respondent. After receiving approval from the Board's Executive, who may consult with one or more members of the Board when considering whether to approve the proposed practice mentor, Respondent shall meet with the practice mentor to discuss this Order and the circumstances that led to discipline. Respondent and practice mentor shall also discuss best practices for diagnosis, documentation, documenting communications with clients, coordination of care with clients' medication providers, maintaining boundaries, and other relevant topics that may arise. Following this meeting, Respondent shall submit a narrative report to the Board describing the conversation, the best practices discussed, and Respondent's plans to implement best practices moving forward. Respondent shall submit this report no later than **90 DAYS** following the date this Settlement Agreement is entered by the Board.

- i. Respondent shall meet again with the same approved practice mentor no sooner than **180 DAYS** from the date this Settlement Agreement is entered by the Board. Respondent and practice mentor shall discuss Respondent's progress on implementing the best practices previously discussed and any barriers or challenges that have arisen. During this meeting, the practice mentor shall also review **TEN** of Respondent's client files, selected at random by the practice mentor. The practice mentor shall submit a written report directly to the Board regarding the clinical practice review. The written report must address Respondent's ability to competently practice as

a licensed mental health provider and include any recommendations for future monitoring or practice restrictions. Upon receipt of a report from Respondent's practice mentor indicating concerns with Respondent's practice or recommending future monitoring or practice restrictions, the Board may open a new complaint.

- ii. Respondent's meetings with the practice mentor and the practice mentor's report to the Board shall be made no later than **1 YEAR** following the date this Settlement Agreement is entered by the Board.

b. *Continuing Education.* Respondent shall undertake **TEN HOURS** of Continuing Education in the areas of documentation, diagnosis, coordination of care with medication providers and/or boundary setting. Respondent has been provided a list containing examples of appropriate courses.

**8.** In entering this Settlement Agreement, Respondent acknowledges the following:

- a. This Settlement Agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
- b. Counsel for the State may present this Settlement Agreement to the Board *ex parte*.
- c. I have the right to be represented by counsel in this matter. I am represented by Mark Schultheis of Schultheis White, PLC law firm.
- d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.

f. I understand this Settlement Agreement will be part of my permanent licensure file and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

g. I am voluntarily entering into this Settlement Agreement.

h. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

i. I understand the Board will report this Settlement Agreement to the National Practitioner Databank. The report the database will reflect the language included in this Order.

j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Settlement Agreement.

k. The factual circumstances alleged, by virtue of their incorporation in this Settlement Agreement, are now public and available for inspection and copying in accordance with Iowa Code chapters 22 and 227C.

**9.** Respondent shall submit a copy of this Settlement Agreement to all licensing boards where Respondent holds a license, whether active or not, no later than **THIRTY DAYS** following the date this Settlement Agreement is entered by the Board.

**10.** This Settlement Agreement constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code § 17A.10.

**11.** This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

**12.** This Settlement Agreement becomes a public record available for inspection and copying

upon execution in accordance with the requirements of Iowa Code §§ 17A, 22, and 272C.

13. This Settlement Agreement is subject to approval of the Board. If the Board fails to approve this agreement or Respondent's request for a waiver, it shall be of no force or effect to either party.

14. This Settlement Agreement, when fully executed, is a public record available for inspection and copying in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

15. The Board's approval of this Settlement Agreement shall constitute a **FINAL ORDER** of the Board.

### **C. FINAL ORDER**

**WHEREFORE**, the terms of this Settlement Agreement are agreed to by the Iowa Board of Behavioral Health Professionals and the Respondent.

### **IT IS THEREFORE ORDERED,**

a. Respondent is **CITED** for failure to comply with the Code of Ethics of the ACA that directly relates to the duties and responsibilities of the profession in violation of Iowa Administrative Code rule 33.2(1)(b) and **WARNED** that future violations may result in further disciplinary action.

b. Respondent shall comply with the terms and conditions of working with a practice mentor described above in Section B, paragraph 7.

c. Respondent shall tender proof of completion of the continuing education requirements described above in Section B, paragraph 7 to the Board Executive.

d. Any documents, notifications, or reports required to be submitted to the Board pursuant to this Settlement Agreement should be mailed to the Iowa Department of Inspections, Appeals and Licensing, Iowa Board of Massage Therapy, Division of

Professional Licensing and Regulation, Licensing Bureau, 6200 Park Avenue, Suite 100,  
Des Moines, Iowa 50321, or emailed to [PLPublic@idph.iowa.gov](mailto:PLPublic@idph.iowa.gov).


**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Mackenzie Trotter on this 4 day of  
December, 2024.

  
By: Mackenzie Trotter, Respondent

**FOR THE IOWA BOARD OF BEHAVIORAL HEALTH PROFESSIONALS:**

Voluntarily agreed to and accepted by the **IOWA BOARD OF BEHAVIORAL HEALTH  
PROFESSIONALS** December 12, 2024.

  
Board Chair  
Board of Behavioral Health Professionals

**BEFORE THE IOWA BOARD OF BEHAVIORAL SCIENCE**

RE: Mental Health Counselor License of  <b>MACKENZIE TROTTER</b> License No. 095990 Respondent	CASE NO. 21-0087  <b>NOTICE OF HEARING AND STATEMENT OF CHARGES</b>
---	---

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

**A. TIME, PLACE, AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on June 8, 2023, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the 5<sup>th</sup> Floor Conference Room #526 at the Lucas State Office Building, 321 E. 12<sup>th</sup> Street, Des Moines, Iowa 50319.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 645 IAC 11.12. 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.

3. Filing of Pleadings. Pleadings shall be filed with the Board by mail to Iowa Board of Behavioral Science, Lucas State Office Building, 5<sup>th</sup> Floor, 321 E. 12<sup>th</sup> St., Des Moines, Iowa 50319, by email to [plpublic@idph.iowa.gov](mailto:plpublic@idph.iowa.gov), or electronically using the Administrative Electronic Document Management System ([adminhearings.iowa.gov/efile/](http://adminhearings.iowa.gov/efile/)).

4. 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 and Appeals the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

5. Pre-hearing Conference. Any party may request a prehearing conference in accordance with 645 IAC 11.17 to discuss issues related to the hearing.

6. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC 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 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.



7. Prosecution. The Office of 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:

Laura Steffensmeier  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at [laura.steffensmeier@ag.iowa.gov](mailto:laura.steffensmeier@ag.iowa.gov).

8. Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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**

9. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 154D, and 272C.

10. 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, 154D, and 272C, and 645 IAC chapters 13 and 33.

11. 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. CHARGES**

### **COUNTS I-V**

12. Respondent is charged under 645 IAC 33.2(1)“b” with failure to comply with the Code of Ethics of the American Counseling Association (2014), specifically section C.2.a. regarding boundaries of competence; section C.2.b. regarding new specialty areas of practice; section C.2.d. regarding monitor effectiveness; section H.2.a. regarding informed consent and disclosure; and section H.2.d. regarding security.

## **D. FACTUAL CIRCUMSTANCES**

13. Respondent holds mental health counselor license number 095990, which is currently active through September 30, 2024.

14. At all relevant times, Respondent was practicing under supervision with a temporary mental health counselor license.

15. Respondent's former employer filed a complaint alleging several violations.

16. The investigative file was reviewed by a peer reviewer, who concluded that Respondent violated the ethical provisions cited above by engaging in conduct described below.

17. Respondent repeatedly failed to discuss diagnoses and change in diagnoses with her clinical supervisor.

18. When diagnosing attention-deficit/hyperactivity disorder, Respondent repeatedly failed to perform proper assessments and develop a differential diagnosis.

19. Respondent operated beyond her scope by providing medication consultation to clients, by providing recommendations for disability accommodations, and by discussing skincare.

20. Respondent refused to conduct a file review when requested by her employer.

21. Respondent told a client that the client could text her, but the informed consent on file did not cover texting.

22. Respondent did not retain copies of text messages or emails in client records.

#### **E. SETTLEMENT**

23. 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 in this matter, please contact the assigned Assistant Attorney General.

#### **F. FINDING OF PROBABLE CAUSE**

24. On February 16, 2023, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.



---

Tony Alden, Board Executive  
Iowa Board of Behavioral Science

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).

Copy to:

Mark Schultheis  
Schultheis White, PLC  
3116 Ingersoll Ave, Ste D  
Des Moines, IA 50312  
ATTORNEY FOR RESPONDENT