

BEFORE THE IOWA BOARD OF SPEECH PATHOLOGY & AUDIOLOGY

RE: Speech Pathologist License of JACOB L. ROSE, License No. 084584 Respondent.	CASE NO. 18-0175 COMBINED NOTICE OF HEARING, STATEMENT OF CHARGES, AND EMERGENCY ADJUDICATIVE ORDER
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COMES NOW the Iowa Board of Speech Pathology & Audiology (“Board”) and files this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order against Jacob L. Rose (“Respondent”), 2610 Nicklaus Boulevard, Sioux City, Iowa 51106, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), 17A.18A, and 272C.3(1)(e) (2018), and 645 Iowa Administrative Code (“IAC”) sections 11.6 and 11.28. Respondent’s license number 084584 to practice speech pathology is currently active through December 31, 2019.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested hearing shall be held on October 19, 2018, before the Board. The hearing shall begin at 10:00 a.m. and shall be located in the 5th Floor Conference Room #526 at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

Answer. Within (20) days of the date you are served this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order, 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 Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Speech Pathology & Audiology, Lucas State Office Building, 5th Floor, 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 from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advice the Board at the hearing.

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

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.

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:

Tessa Register
Assistant Attorney General
Office of the Attorney General of Iowa
Hoover State Office Building
1305 East Walnut Street, 2nd Floor
Des Moines, Iowa 50319

Ms. Register can also be reached by phone at (515) 281-5112 or by e-mail at tessa.register@ag.iowa.gov.

Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order. 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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 154F, and 272C (2018).

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, 154F, and 272C, and 645 IAC chapters 13 and 304. The Board has the authority to issue an Emergency Adjudicative Order pursuant to Iowa Code section 17A.18A and 645 IAC 11.28.

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

COUNT I

Respondent is charged with engaging in unethical conduct, pursuant to Iowa Code section 147.55(3) and 645 IAC 304.2(29)(b) (“Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.”).

D. FACTUAL CIRCUMSTANCES

1. On May 31, 2018, Respondent had a speech therapy session with a minor patient.
2. Respondent had the minor patient sit on his lap.
3. Respondent removed the minor patient's pants and underwear.
4. Respondent exposed his penis to the minor patient and asked the minor patient to suck it.
5. Respondent was arrested and charged with Assault with Intent to Commit Sex Abuse and Lascivious Conduct with a Minor. The criminal charges are pending in the Iowa District Court for Woodbury County.

E. EMERGENCY ADJUDICATIVE ORDER

FINDINGS OF FACT

The Board finds sufficient evidence to support each factual circumstance identified in Section D, above.

CONCLUSIONS OF LAW

Based on these findings of fact, the Board concludes Respondent has violated the laws cited in Court I, identified in Section C, above.

POLICY REASONS

Respondent has used his position as a speech pathologist to solicit improper sexual contact with, and make improper sexual remarks to, a minor child. If Respondent continues to work as a speech pathologist, there is a danger to patients. Respondent's continued ability to practice poses an immediate danger to the public health, safety, and welfare. The only way to ensure Respondent does not again solicit or engage in improper sexual contact with clients is to restrict his ability to work as a speech pathologist.

ORDER

Respondent's license to practice speech pathology is **INDEFINITELY SUSPENDED**, effective immediately, and until further order of the Board. A hearing regarding this Emergency Adjudicative Order is scheduled as set forth in Section A, above.

F. SETTLEMENT

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 Assistant Attorney General Tessa Register at (515) 281-5112.

G. FINDING OF PROBABLE CAUSE

On this 5th day of September, 2018, the Iowa Board of Speech Pathology & Audiology found probable cause to file this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

Venus A. Vendome Walsh

Board Executive,
Iowa Board of Speech Pathology & Audiology

Copies to:

Tessa Register
Assistant Attorney General
Office of the Attorney General of Iowa
Hoover State Office Building
1305 East Walnut Street, 2nd Floor
Des Moines, Iowa 50319
ATTORNEY FOR THE STATE