

BEFORE THE IOWA BOARD OF SPEECH PATHOLOGY & AUDIOLOGY

Re:)	CASE NO. 12-003
Speech Pathologist License of)	
BRANDEN MAYS)	NOTICE OF HEARING AND
License No. 01539)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Speech Pathology & Audiology (“Board”) and files this Notice of Hearing and Statement of Charges against Branden Mays (“Respondent”), 2603 N 51st Ave., Omaha, Nebraska 68104, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2013). Respondent’s license number 01539 is currently inactive, having expired on December 31, 2011.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on December 5, 2014, before the Board. The hearing shall begin at 9:30 a.m. and shall be located in the Lucas State Office Building, 5th Floor Board Room #526, Des Moines, Iowa.

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. 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 shall be filed with the Board at the following address: Iowa Board of Speech Pathology & Audiology, Lucas State Office Building, 5th Floor, 321 E. 12th St., 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 pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC 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.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board’s rules regarding pre-hearing conferences are found at 645 IAC 11.17.

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
2nd 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@iowa.gov.

Communications. You may contact the Board office at (515) 281-6959 with questions regarding this notice and other matters relating to these disciplinary proceedings. 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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 154F, 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, 154F, and 272C and under 645 IAC 13 and 304.

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 knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession, pursuant to Iowa Code section 147.55(3) and 645 IAC 304.2(3).

Count II

Respondent is charged with acceptance of any fee by fraud or misrepresentation including billing for services which were not rendered, pursuant to Iowa Code section 147.55(9) and 645 IAC 304.2(9).

D. FACTUAL CIRCUMSTANCES

1. In 2011, Respondent was employed by a company that provided services to multiple nursing and rehabilitation centers in western Iowa.

2. In 2011, Respondent documented providing services at centers in Iowa when he was not present at the centers.

3. In 2011, Respondent was clocked into centers in Iowa while providing services for another employer at facilities in Nebraska.

4. In 2011, Respondent billed for treatments of a deceased patient shortly after the patient expired. No clinical notes regarding speech therapy were found in the medical records of the patient for these sessions.

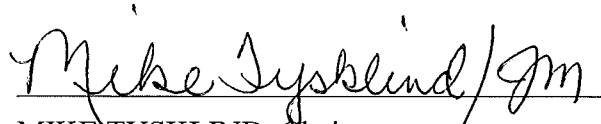
5. In October 2011, Respondent was terminated from employment. Respondent's employer reimbursed the centers in excess of \$20,000 due to Respondent's questionable treatment records.

E. 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 Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 5th day of September, 2014, the Iowa Board of Speech Pathology & Audiology found probable cause to file this Notice of Hearing and Statement of Charges.



MIKE TYSKLIND, Chairperson
Iowa Board of Speech Pathology & Audiology

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

Nebraska Board of Audiology and Speech-Language Pathology
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