

BEFORE THE IOWA BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

IN THE MATTER OF:)	CASE NO. 00-001
)	
TIFFANY LEE MOSHER)	
2115 West 10 th Street)	
Spencer, IA 51301)	ORDER DENYING
)	RESPONDENT'S APPLICATION
)	FOR REINSTATEMENT
License No. 270-01881)	
)	
)	
Respondent.)	

Now on this 16th day of June 2003, the Respondent's Application for Reinstatement comes before the Iowa Board of Examiners for Nursing Home Administrators (Board). The Respondent's Application has been reviewed pursuant to 645 IAC 11.31 and the Board's rules governing applications for license reinstatement. After thorough examination of the Respondent's Application for Reinstatement, including the additional information submitted by the Respondent, and the Board's Findings of Fact, Conclusions of Law, Decision and Order dated November 30, 2000 revoking the Respondent's license to practice as a nursing home administrator in the State of Iowa, pursuant to 645 IAC 11.31 and for the reasons set out below, the Respondent's Application for Reinstatement is hereby **DENIED**.

Respondent's license to practice as a nursing home administrator in the State of Iowa was revoked by the Board at the conclusion of a contested case hearing. The Board revoked Respondent's license to practice upon findings that the Respondent:

- engaged in unethical conduct;

- committed practices harmful and detrimental to the public;
- deviated from acceptable professional standards; and
- engaged in acts which constituted exploitation of her professional relationship.

Specifically, the Board entered the following findings of fact regarding Respondent's conduct:

- Respondent disclosed her own personal financial problems to an elderly resident of the facility at which the Respondent was employed as a nursing home administrator and solicited and accepted a \$13,000 loan from the resident;
- Respondent failed to follow facility policies prohibiting such solicitation;
- Respondent failed to repay the loan from the Resident and solicited and accepted an additional \$18,500 from the Resident;
- Respondent accepted and deposited a \$20,000 check from the Resident;
- Respondent accepted several monthly gifts of approximately \$700 each from the Resident;
- Respondent failed to maintain appropriate professional boundaries with an elderly resident entrusted to her care and responsibility;
- Respondent failed to follow professional standards of ethics prohibiting the solicitation or acceptance of gifts or loans from residents;
- Respondent exploited her professional relationship with a resident and continued to exploit the relationship as the Resident's health deteriorated; and
- Respondent failed to ensure that the Resident was free from abuse or exploitation.

Upon these findings, the Board ordered that the Respondent's license to practice nursing home administration in the State of Iowa be revoked and that she be assessed a hearing fee of \$75.00.

Respondent now seeks reinstatement of her license to practice as a nursing home administrator. In connection with her Application for Reinstatement, Respondent submitted a written statement summarizing the basis for her application for reinstatement. The Board has carefully reviewed the Respondent's Application and accompanying document and finds that the Respondent has failed to satisfy the requirements for licensure reinstatement found at 645 IAC 11.31.

645 IAC 11.31 requires that an application for reinstatement shall allege facts and circumstances sufficient to establish that the basis for the revocation no longer exists and that it is in the public interest for the license to be reinstated. 645 IAC 11.31 also provides that the burden of proof regarding such facts shall be on the applicant. The Board finds that the Respondent has failed to satisfy her burden of establishing facts and circumstances establishing that the basis for the revocation no longer exists and that it is in the public interest that her license to practice nursing home administration be reinstated.

The Respondent has failed to submit evidence sufficient to establish that the basis for the revocation no longer exists. Respondent's written statement is wholly insufficient to establish that the harmful, unethical, and substandard nursing home administration practices which triggered the license revocation no longer exist. The Board is especially troubled by the Respondent's continued failure to recognize that her conduct was both unethical and

harmful to a resident entrusted to her care. The Board further finds that the Respondent has failed to establish that it is in the public interest to restore her nursing home administrator license.

For the reasons stated above, the Respondent's Application for Reinstatement is hereby **DENIED**. In accordance with 645 IAC 11.31, the Respondent may appeal this decision and may request a hearing before the Board on this decision. Any appeal from this decision must be filed within thirty days of this order.

Dated this 16th day of June 2003.

This Denial Order is approved by the board on June 16, 2003.