

BEFORE IOWA BOARD OF NURSING HOME ADMINISTRATORS

IN THE MATTER OF)	NO. 09-004
)	
Roger Holdeman,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Nursing Home Administrators (“Board”) and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued Iowa nursing home administrator license number 002445 on December 20, 2007. Respondent’s license is active, and will expire on December 31, 2011. Respondent’s address as reported to the Board is 100 East 12th St., Cromwell, IA 50842.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 14, 2011, before the Board of Nursing Home Administrators. The hearing shall begin at 3 pm and shall be located in the Lucas State Office Building, Conference Room 517 and 518, 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: Board of Nursing Home Administrators, 5th Floor, Lucas State Office Building, 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 make initial rulings on pre-hearing matters, and be present to assist

and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC chapter 11. At 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 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 contained at 645 IAC 11.17.

Prosecution. The Office of the 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: September Lau, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, 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 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, 155, 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 17A, 147, 155, and 272C and 645 IAC chapter 144.

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

Respondent is charged pursuant to Iowa Code sections 272C.3(2)(a) and 645 Iowa Administrative Code section 144.2(22) with failure to comply with the terms of a Board order.

Count II

Respondent is charged pursuant to Iowa Code sections 147.55(9) and 645 Iowa Administrative Code section 144.2(23) with failure to pay costs assessed in any disciplinary action.

D. FACTUAL CIRCUMSTANCES

1. On July 15, 2010, the Board charged Respondent with engaging in unethical conduct and conviction of a crime related to the practice of Nursing Home Administration. A hearing on the matter was held on October 21, 2010.

2. On November 23, 2010, the Board issued a Decision and Order (Order) in the

matter placing Respondent on probation. The Order further required Respondent to pay a total of \$253.75 in fees within 30 days of Respondent's receipt of the Order.

3. Respondent received the Order on November 29, 2010, and therefore had until **December 30, 2010** to remit the required fees in order to be in compliance with the Order.

4. On January 4, 2011, Respondent requested an extension of the timeframe in which to comply with the Order. This request was made after the fees became due under the terms of the Order.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact September Lau, Assistant Attorney General, at (515) 281-7175.

F. PROBABLE CAUSE FINDING

On this 18th day of February, 2011, the Iowa Board of Nursing Home Administrators found probable cause to file this Notice of Hearing and Statement of Charges.