

BEFORE IOWA BOARD OF NURSING HOME ADMINISTRATORS

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IN THE MATTER OF	)	NO. 09-009
	)	
<b>John Beaudette,</b>	)	
	)	<b>SETTLEMENT AGREEMENT</b>
Respondent.	)	<b>AND FINAL ORDER</b>

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COME NOW the Iowa Board of Nursing Home Administrators (Board) and John Beaudette (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order (Agreement and Order) of the contested case currently on file against the Respondent:

1. Respondent was originally licensed to practice as a nursing home administrator on November 10, 1995, and holds license number 01876. That license is active and will expire on December 31, 2011.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on July 14, 2011. A contested case hearing in this matter is scheduled for October 13, 2011.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
4. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once

entered, this Agreement and Order shall have the force and effect of a disciplinary order entered following contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order, and he agrees that the State's counsel may present this agreement to the Board.

6. This Agreement and Order is subject to approval of the Board. If the Board approves this Agreement and Order, it becomes the final disposition of this matter. If the Board fails to approve this Agreement and Order, it shall be of no force or effect to either party.

7. This Settlement Agreement and Final Order as well as the Notice of Hearing and Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

8. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

9. Respondent agrees to submit to an Evaluation within thirty days of the entry of this Agreement and Order. Such Evaluation shall be conducted in a one-on-one setting by a Board-approved licensed mental health counselor, psychologist, or psychiatrist (Evaluator). Respondent shall submit to the Board the name and address of any proposed Evaluator, and attest that Respondent does not have a personal or professional relationship with the Evaluator.

10. The purpose of this Evaluation shall be to evaluate Respondent's anger management capacities and make recommendations for further treatment as necessary.

11. Prior to this Evaluation, Respondent agrees to provide the Evaluator the Notice of Hearing and Statement of Charges in this matter, this Agreement and Order, and the Board's investigative file in this matter.

12. The Evaluator shall forward directly to the Board an Evaluation Report.

13. Respondent agrees to sign a written release which (a) will enable the Board to freely communicate with individuals involved in Respondent's Evaluation and further anger management treatment, and (b) provide the Board full access to all records maintained with respect to such evaluation and treatment.

14. Upon acceptance of this Agreement and Order by the Board, Respondent's license will be placed on probationary status for a period of one year.

15. During this period of probation, Respondent agrees to comply with any and all recommendations made by the Evaluator. Respondent agrees to submit to the Board documentation of his compliance within ten days of the expiration of the probationary period imposed under this Agreement and Order.

16. During the period of probation, Respondent shall be required to successfully complete five hours of continuing education. Such continuing education shall be subject to Board approval, and shall be applicable to subjects such as stress management in the workplace, or resident rights, dependent adult abuse, and resident dignity. Respondent understands that the continuing education hours imposed by this

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agreement shall be in addition to the continuing education hours required as a condition of licensure. Respondent shall submit documentation of such successful completion within ten days of the expiration of the probationary period imposed under this Agreement and Order.

17. During the period of probation, Respondent shall notify the Board of any criminal conviction or arrest within thirty days of the action, regardless of the jurisdiction wherein it occurred.

18. Respondent shall comply with all administrative rules governing the practice of nursing home administration.

19. Respondent understands that any violation of the terms of this agreement is grounds for further disciplinary action.

20. This Agreement and Order shall not be binding as to any new complaints received by the Board.

This Settlement Agreement and Final Order is approved by the Board October 13, 2011.