

BEFORE IOWA BOARD OF NURSING HOME ADMINISTRATORS

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IN THE MATTER OF	)	NO. 10-013
	)	
<b>Roger Holdeman,</b>	)	<b>AMENDED</b>
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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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 12<sup>th</sup> 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 **11:00 a.m.** and shall be located in the Lucas State Office Building, Fifth Floor Board Conference 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: Board of Nursing Home Administrators, 5th Floor, Lucas State Office Building, 321 East 12<sup>th</sup> 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 641 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, Hoover State Office Building, 2nd Floor, 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 147.55(3) and 272C.10(3) and 645 IAC 144.2(4) and 144.2(31) (2005) with “engaging in unethical conduct or practice harmful to the public.”

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent was employed at Greenwood Manor in Iowa City, Iowa from April 21, 2004 until his resignation effective March 9, 2007.
2. Effective January 21, 2005 through January 20, 2006, Respondent was approved by the Board to act as the nursing home administrator of Greenwood Manor in a provisional capacity.
3. Respondent’s wife, Lynne A. Holdeman, was the director of nursing at Greenwood Manor from August 12, 2003, through December 31, 2006.

4. TR was a resident of Greenwood Manor beginning February 9, 2005. TR had a life-threatening illness.

5. Respondent and Lynne Holdeman deceived and financially exploited TR during 2006 and 2007.

6. In early 2006, at the encouragement of Respondent and Respondent's wife, TR applied for several life insurance policies naming Lynne Holdeman as the beneficiary.

7. For the purposes of underwriting those policies, on February 6, 2006, a paramedical insurance examiner working on behalf of AIG and Physician's Life examined a man who identified himself as TR. The examination took place in Respondent's home. The man who was examined fit the description of Respondent. He did not fit the description of TR.

8. On or around November 1, 2006, TR moved from Greenwood Manor to Respondent's Home.

9. In May of 2007, Respondent entered into a Lease Agreement and a Boarding Agreement with TR under which TR was to pay Respondent \$1000 a month.

#### **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 13th day of January, 2011, the Iowa Board of Nursing Home Administrators found probable cause to file this Notice of Hearing and Statement of Charges.