

BEFORE THE IOWA BOARD OF HEARING AID DISPENSERS

IN THE MATTER OF:

Ronald. Livingston
License No. 00070,

Respondent.

CASE NOS 06-001, 06-002, 06-005

SETTLEMENT AGREEMENT
AND FINAL ORDER

COME NOW the Iowa Board of Hearing Aid Dispensers ("Board") and Ronald Livingston ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), hereby enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. Respondent was issued Iowa Hearing Aid Dispenser License 00070 on January 1, 1975. Respondent's license is current through December 31, 2010.
2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on February 2, 2009. A contested case hearing in this matter is scheduled for May 4, 2009.
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 a contested case. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order. Respondent agrees that the State's counsel may present this agreement to the Board and may have *ex parte* communications with the Board while presenting it.

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

7. This Settlement Agreement and Final Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

9. This Settlement Agreement and Final Order is a public record available for inspection, and copying upon execution of this Settlement Agreement and Final Order in accordance with the requirements of Iowa Code chapters 22 and 272C. The Notice of Hearing is also a public record, which became available for inspection and copying the date it was filed in accordance with the requirements of Iowa Code chapters 17A, 22, and 272C.

10. The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

11. Respondent admits to the allegations contained within the Statement of Charges.

12. Respondent is hereby **CITED** for his failure to comply with the code of ethics, to perform a health history and to conduct appropriate and necessary testing prior to fitting and dispensing a hearing aid, to maintain appropriate record-keeping and to notify clients of the terms of the sale. Respondent is **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa hearing aid dispenser license.

13. Respondent agrees that he will complete four hours of continuing education applicable to appropriate testing procedures and health histories and record-keeping within six months from the issuance of this order. Continuing education obtained may not be used for future license renewal. Respondent must obtain prior-approval from the Board for the continuing education classes proposed to satisfy this obligation.

14. Respondent shall be assessed a civil penalty of five hundred dollars.

15. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further disciplinary action by the Board.

AGREED AND ACCEPTED:

This settlement agreement and final order is approved by the board on June 16, 2009.