

**STATE OF IOWA
BEFORE THE BOARD OF MORTUARY SCIENCE**

IN THE MATTER OF:)	
)	CASE NO. MS 11-010
Heather Dawn Yurka, F.D.)	
Lic. No. 02714)	STATEMENT OF CHARGES,
)	SETTLEMENT AGREEMENT,
)	AND CONSENT ORDER
)	

COMES NOW the Iowa Board of Mortuary Science (Board) and Heather Dawn Yurka (Respondent), and hereby enter into this Statement of Charges, Settlement Agreement, and Consent Order (Consent and Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. The Board has jurisdiction under Iowa Code chapters 17A, 156, and 272C.
2. Respondent is a licensed funeral director. She was issued license number 02714 in 1998. Her license is currently active and will expire May 15, 2012.
3. In 2010 Respondent renewed her funeral director’s license and asserted in her renewal application that she had completed all continuing education required for renewal. Respondent was selected for audit under 645 IAC 4.11 and in the course of the audit the Board discovered that Respondent had not completed the two hour course on current Iowa law and rules as required by 645 IAC 102.2(1). Respondent was granted a period of time to cure the deficiency and has not produced evidence of compliance.

COUNT I

4. Respondent is charged with failing to comply with continuing education requirements for renewal and making false statements about her compliance in her renewal application, in violation of 645 IAC 4.13(2), (3), and 4, 103.3(3)(e), and 103.3(6)(a).

SETTLEMENT AGREEMENT AND CONSENT ORDER

5. This Consent Order constitutes the resolution of a disciplinary contested case proceeding. Respondent denies the allegations of the charges but agrees to the Consent Order as the resolution of a disputed matter.

6. By entering into this Consent Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Consent Order, and voluntarily waives any objections to the terms of the Consent Order, including the right to appeal.

7. This Consent Order is voluntarily submitted by Respondent to the Board for consideration.

8. Respondent acknowledges his right to be represented by counsel in this matter.

9. Respondent agrees that counsel for the State may present this Consent Order to the Board.

10. This Consent Order is subject to approval of the Board. If the Board fails to approve this Consent Order it shall be of no force or effect to either party.

11. This Consent Order shall be part of the 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 violation.

12. In the event Respondents violates or fails to comply with any of the terms of this Consent 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).

13. This Consent Order is a public record available for inspection and copying upon execution of the Consent Order in accordance with the requirements of Iowa Code chapters 22 and 272C.

14. The Board's approval of this Consent Order shall constitute the FINAL ORDER of the Board in a disciplinary contested case.

IT IS THEREFORE ORDERED:

A. Reprimand. Respondent is reprimanded for failing to maintain the continuing education required for renewal and falsely stating that she was in compliance in her renewal application.

B. Continuing Education. Respondent shall complete by September 15, 2011, the following courses, none of which shall be applied to her 2012 renewal:

1. The two hour course on current Iowa law and rules as required by 645 IAC 102.2(1).

2. Two additional hours of continuing education (for a total of 4 hours of education) in classroom settings that would qualify as continuing education under 645 IAC chapter 102.

C. Civil Penalty. Respondent shall pay a civil penalty of \$250.00 to the Board office, made payable to the State of Iowa, within 30 days of the date this Consent Order is signed by all parties.

D. Future Action. Respondent shall in the future abide by all laws and rules applicable to the practice of mortuary science, including all applicable rules on continuing education. She

shall be audited at her new renewal, and may not count any of the education described in paragraph B when disclosing continuing education for her 2012 renewal.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Mortuary Science and the Respondent.

This Statement of Charges, Settlement Agreement, and Consent Order is approved by the Board September 8, 2011.