

IOWA BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

 IN THE MATTER OF:

CASE NO. 00-013

Randy Downey, License No. 270-02062

Respondent

Settlement Agreement & Final Order

The Iowa Board of Examiners for Nursing Home Administrators (Board) and, Randy Downey (Respondent) enter into the following stipulation and informal settlement pursuant to Iowa Code section 17A.10 and 272C.3(4) (2003):

1. Respondent was licensed to practice as a nursing home administrator in the state of Iowa on November 16, 1998, and holds license number 270-02062.
2. Respondent's current address as reported to the Board is 417 Magnetic St., Cherokee, Iowa, 51012.
3. The Board has jurisdiction of the parties and the subject matter.
4. A Notice of Hearing and Statement of Charges in this case was filed on October 8, 2003.
5. Execution of this Informal Settlement constitutes the resolution of this disputed claim. By executing this Informal Settlement Respondent expressly waives the right to any such hearing on these charges.
6. Respondent is freely and voluntarily entering into this agreement, and he agrees that the State's counsel may present this agreement to the Board.
7. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.
8. This agreement shall be part of the permanent record of Respondent 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.

9. This Stipulation and Informal Settlement as well as the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.
10. Respondent states that he has satisfied all terms of his Judgment & Sentence imposed by the Madison County District Court in case SRCR105136. Respondent specifically represents that he has successfully completed a twenty-four week Batterer's Education Program and that he has engaged in no conduct since that time which would constitute domestic abuse. Respondent further states that he has submitted to an alcohol and substance abuse evaluation as ordered by the Court but that following the evaluation no continuing treatment was indicated.
11. Respondent admits that Iowa Code sections 155.18 and 272C.10(3) and 645 Iowa Administrative Code section 144.1(3) prohibit a licensed nursing home administrator from engaging in acts harmful or detrimental to the public.
12. Respondent admits that had this case proceeded to hearing the State of Iowa would have presented evidence in support of the factual allegations contained in the Statement of Charges.

IT IS HEREBY ORDERED:

1. That license number 270-02062 shall be placed on probation until such time as the continuing education requirement imposed under paragraph 2 below is satisfied and verified to the Board's satisfaction.
2. Respondent shall be required to successfully complete 30 hours of continuing education. A minimum of 15 hours of the 30 hours of continuing education shall be applicable to subjects such as resident rights, dependent adult abuse, and resident dignity. Approval will be obtained from the Board or its designee prior to enrolling in any

course taken to fulfill this obligation. Respondent agrees that the continuing education hours imposed by this agreement shall be in addition to the continuing education hours required as a condition of licensure. The 30 hours of continuing education shall be completed within one year of this agreement.

3. Respondent will pay a fine in the amount of \$250. Full payment must be received at the board office within fourteen calendar days of issuance of this order. Failure to pay the administrative penalty within fourteen calendar days shall result in the automatic suspension of the license until the penalty is paid. Failure to pay the administrative penalty within the time period may also result in further disciplinary proceedings, as provided in the regulations.
4. Respondent shall comply with all administrative rules governing the practice of nursing home administration.
5. During the probationary period Respondent shall notify the board of any criminal conviction or arrest within 30 days of the action, regardless of the jurisdiction wherein it occurred.
6. Any violation of the terms of this agreement is grounds for further disciplinary action, upon proper notice and opportunity for hearing, for failure to comply with an order of the Board in accordance with Iowa Code section 272C.3(2)(a) (2003).
7. This Stipulation and Informal Settlement agreement shall not be binding as to any new complaints received by the Board.

The board approves this Settlement Agreement and Final Order on January 15, 2004.