

BEFORE THE IOWA BOARD OF NURSING HOME ADMINISTRATORS

IN THE MATTER OF)	CASE NO. 09-004
)	
ROGER HOLDEMAN)	NOTICE OF HEARING
License No. 02445)	AND STATEMENT OF CHARGES
)	
RESPONDENT.)	

COMES NOW the Iowa Board of Nursing Home Administrators (Board) and 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 license 02445 on December 20, 2007. Respondent's license is current and will next expire on December 31, 2011. Respondent's address as reported to the Board is 1219 12th Place, Kalona, IA 52247.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on October 21, 2010, before the Board of Nursing Home Administrators. The hearing shall begin at 1:00 p.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, 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: Chantelle Smith, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, 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 with conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice as a nursing home administrator pursuant to Iowa Code § 147.55(5) and 645 Iowa Administrative Code 144.2 (13).

Count II

Respondent is charged with engaging in unethical conduct in violation of Iowa Code § 147.55(3) and 645 Iowa Administrative Code 144.2(4).

D. FACTUAL CIRCUMSTANCES

1. On June 15, 2009, Respondent was convicted in Polk County District

Court of Tampering with Records, an aggravated misdemeanor. Respondent was sentenced to one year of incarceration. The sentence was suspended and Respondent was placed on twelve months of probation.

2. The conviction was based upon Respondent providing an employment reference in which he portrayed himself as the administrator of a nursing facility. At the time Respondent provided the reference, he was not employed by the nursing facility in any capacity and was not licensed as a nursing home administrator.

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 Chantelle Smith, Assistant Attorney General, at 515.281.8811.

F. PROBABLE CAUSE FINDING

On this 15th day of July, 2010, the Iowa Board of Nursing Home Administrators found probable cause to file this Notice of Hearing and Statement of Charges.

This notice of hearing and statement of charges is approved by the board on July 15, 2010.