

**BEFORE THE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS**

IN THE MATTER OF:)	
)	
)	CASE NO. 00-013
)	
Randy Downey,)	
License No. 270-02062)	STATEMENT OF CHARGES
)	
)	
Respondent.)	

TO THE ABOVE-NAMED RESPONDENT:

The Iowa Board of Examiners for Nursing Home Administrators has jurisdiction over this matter pursuant to Iowa Code chapters 17A, 155, and 272C (2001) and (2003).

Licenses issued by the Board are subject to the laws of the State of Iowa and to the administrative rules of the Board.

Respondent Randy Downey, Nursing Home Administrator, was at all times during the following events licensed to practice as a nursing home administrator in the State of Iowa. Respondent was issued license number 270-02062 on November 16, 1998, as recorded in the permanent records in the office of the Board. Respondent's license to practice as a nursing home administrator is current until December 31, 2003.

Respondent's current address as reported to the Board is 417 Magnetic St., Cherokee, Iowa, 51012.

COUNT I

Respondent is charged with violating Iowa Code sections 155.18(3) and 272C.10(3) and the Board's administrative rules found at 645 Iowa Administrative Code sections 144.1(3) by engaging in unethical conduct and practices harmful or detrimental to the public on the premises

of a health care facility for which the Respondent was charged criminally and convicted of a serious misdemeanor.

CIRCUMSTANCES

1. In December 2000 Respondent was licensed as a nursing home administrator.
2. As a licensed administrator, Respondent was obligated to conduct himself in accordance with the laws and rules governing the practice of nursing home administration.
3. Licensed nursing home administrators owe a duty of care to the aged, infirm, mentally ill and physically disabled residents of a health care facility, many of whom suffer from severe cognitive impairments.
4. As a licensed administrator, the Respondent was aware that residents of a health care facility shall be maintained at their highest practicable level. The Respondent was also aware that maintaining the residents at their highest practical level included maintenance of the residents' physical and mental well being and safeguarding the residents' psychosocial needs.
5. In December 2000, and while licensed as a nursing home administrator, the Respondent entered the premises of a health care facility located in Winterset, Iowa and perpetrated a physical assault upon his wife who was an employee of the facility.
6. The Respondent's assault upon his wife occurred in the hallway of the front desk of the facility and was witnessed by several residents of the facility and other staff of the facility. Respondent's assault upon his wife resulted in injury to his wife and the residents who witnessed it, and was accompanied by the yelling of obscenities.
7. The Respondent's conduct resulted in the filing of criminal charges and a domestic abuse assault conviction, a serious misdemeanor.
8. The residents who witnessed Respondent's assault upon his wife were upset and

frightened. At least two residents were crying as a result of what they saw, many required staff counseling, and at least one experienced appetite disturbance. These residents became fearful of the environment and had to be reassured that the Respondent would not be permitted to re-enter the building.

9. The Respondent's conduct relates to the practice of nursing home administration and constitutes unethical conduct and practices harmful and detrimental to the public.

10. The Respondent has engaged in conduct providing the board with jurisdiction to take disciplinary action pursuant to the statutory and regulatory provisions cited above.

FINDING OF PROBABLE CAUSE

On October 2, 2003, the Iowa Board of Examiners for Nursing Home Administrators found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

This Statement of Charges was approved by the board on October 2, 2003.