BEFORE THE IOWA BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST	)	CASE NO. 09-005
HOLLY HANNAN	)	**SETTLEMENT AGREEMENT AND FINAL ORDER**
Respondent.	)	

COME NOW the Iowa Board of Respiratory Care ("Board") and Holly Hannan ("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 license number 002341 on September 10, 2007. Respondent's license is current and will next expire on March 31, 2010.

2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on August 11, 2009, charging Respondent under 645 IAC 263.2(30) with violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee. A contested case hearing in this matter is scheduled for November 10, 2009.

3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.

4. Respondent admits the allegations contained in the Statement of Charges and agrees to enter into this Settlement Agreement to resolve the contested case proceeding.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

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

IT IS THEREFORE ORDERED:

12. Respondent currently has a probationary license in Nebraska. As part of that probation, Respondent submits to random alcohol and drug testing, attends AA/NA meetings, has a sponsor, has a worksite monitor, and must abstain from use of any controlled substances or prescription medications without a lawful prescription. Respondent must comply with these requirements through June 25, 2012.

13. Respondent agrees that her license to practice respiratory care in Iowa will be placed on probation through June 25, 2012, subject to the following conditions:

a. Respondent agrees to abide by all conditions set forth by the State of Nebraska. Failure to satisfy the terms and conditions of her probationary license is a violation of the terms of this Settlement Agreement.

b. Respondent agrees to sign all necessary medical releases to authorize the submission of results from alcohol and drug testing and any related medical records to the Board. Respondent shall ensure that such reports are sent to the Board at least on a quarterly basis.

c. Respondent agrees to submit quarterly written reports to the Board no later than January 1, April 1, July 1, and October 1 during the period of probation. The quarterly reports should include all information necessary to verify Respondent's compliance with the terms of probation, including:

(1) The time period covered by report;

(2) The name and address of any place Respondent is employed as a respiratory care practitioner and a description of her duties;

(3) The name and license number of Respondent's practice monitor;

(4) Record of compliance with AA/NA attendance requirement; and

(5) Record of any controlled substances or prescription medications used by or administered to you.

d. Respondent agrees to notify the Board in writing prior to any change in her practice address or status. Failure to notify the Board within fifteen days of a change in employment status shall constitute a violation of this agreement.

e. Respondent agrees to ensure that her practice monitor submit a quarterly written report of the practice monitor's observations and findings regarding Respondent's job performance, attendance, and abstinence from drugs. Respondent is responsible for ensuring the practice monitor reviews occur. Respondent shall be responsible for any costs associated with the practice monitor reviews and reports.

15. Upon request of the Board, Respondent shall appear before the Board to report on the status of her practice and to answer any questions or concerns the Board may have regarding her practice as a respiratory care practitioner. The Board shall provide Respondent with reasonable notice of time, date and place for any requested appearance. Respondent agrees that any such appearance is governed by 645 IAC 9.7 and waives any and all objections to the Board members both participating in the appearance and later participating in decision makers in a contested case hearing.

16. Upon full compliance with the terms and conditions of the probationary period, Respondent's license to practice as a respiratory care practitioner in the state of Iowa shall be restored to its full privilege, free and clear of all restrictions.

This settlement agreement and final order is approved by the board on November 9, 2009.