

**BEFORE THE IOWA BOARD OF NURSING HOME
ADMINISTRATORS**

RE:
Nursing Home Administrator
License of

SCOTT MORTON
License No. 113394
Respondent

CASE NO. 22-0214

**NOTICE OF HEARING AND
STATEMENT OF CHARGES**

YOU ARE HEREBY NOTIFIED that the Iowa Board of Nursing Home Administrators, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272C, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on May 23, 2023 before the Iowa Board of Nursing Home Administrators. The hearing shall begin at 1:00 p.m. in the Lucas State Office Bldg., Iowa Department of Public Health, Des Moines, Iowa. You should report to the 5th floor, room 526 at the time of the hearing.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Filing of Pleadings. Pleadings shall be filed with the Board by mail to Iowa Board of Nursing Home Administrators, Lucas State Office Building, 5th Floor, 321 E. 12th St., Des Moines, Iowa 50319, or by email to plpublic@idph.iowa.gov, or electronically using the Administrative Electronic Document Management System (adminhearings.iowa.gov/efile/).

4. Presiding Officer. The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 272C.6 and 645 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. You may also

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 the hearing. 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. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 Iowa Administrative Code rule 11.19. The hearing may be open to the public or closed to the public at your discretion.

6. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 645 Iowa Administrative Code rule 11.18.

7. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Samantha Wagner
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-3395

Ms. Wagner can also be reached by phone at (515) 281-3395 or by email at Samantha.Wagner@ag.iowa.gov.

8. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending 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 on all parties in the case. You should direct any questions about this proceeding to Jessica O'Brien, the Board's Executive Director, at (515) 281-6352 or to Assistant Attorney General Wagner at (515) 281-3395.

B. SECTIONS OF STATUES AND RULES INVOLVED

Count I

9. Respondent is charged with negligence in the practice of the profession of nursing home administration, which includes a failure to exercise due care including improper delegation of duties or supervision of employees or other individuals, whether or not injury results, or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession, in violation of 645 IAC 144.2(12).

Count II

10. Respondent is charged with violation of a regulation, rule or law of this state, another state, or the United States, which relates to the practice of nursing home administrators, under 645 IAC 144.2(14), specifically relating to citations issued by the Department of Inspections and Appeals on July 26, 2022, and the Department of Health and Human Services Centers for Medicare and Medicaid Services Deficiency Report completed on July 13, 2022.

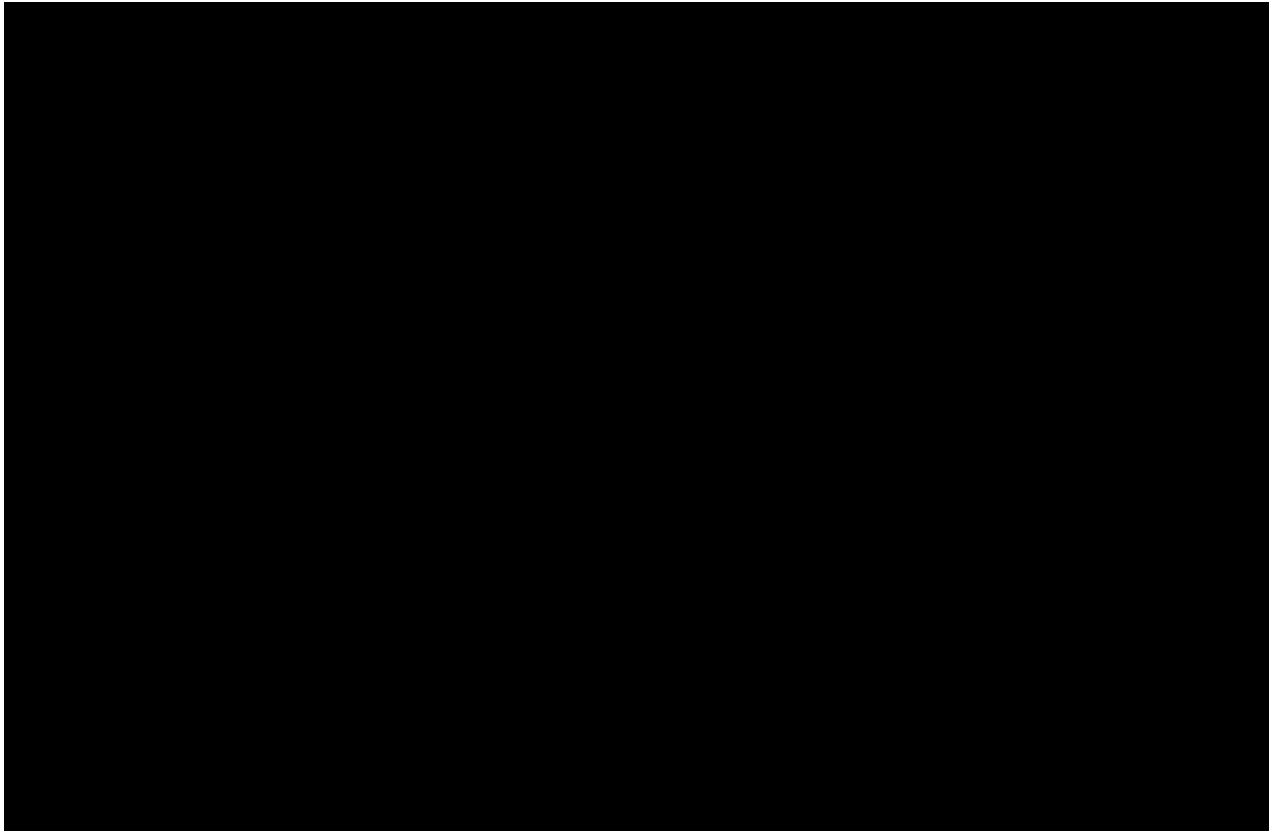
Count III

11. Respondent is charged with professional incompetence under 144.2(3)(c) and (d), which includes (c) a failure to exercise the degree of care which is ordinarily exercised by a nursing home administrator acting in the same or similar circumstances, and (d) a failure to conform to the minimal standard of acceptable and prevailing practice of a licensed nursing home administrator in this state.

C. JURISDICTION AND LEGAL AUTHORITY

12. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272C. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272C, and 645 Iowa Administrative Code chapters 13 and 144.

D. FACTUAL CIRCUMSTANCES





E. SETTLEMENT

18. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code rule 12.1. If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General above.

Dated this 12th day of January, 2023.

/s/ Jessica O'Brien
Jessica O'Brien, Board Executive
Iowa Board of Nursing Home Administrators

Copies to:

Mr. Scott Morton
5321 Crosswind Drive
Richton Park, IL 60471

Samantha Wagner
ATTORNEY FOR THE STATE

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).