

BEFORE THE IOWA BOARD OF NURSING HOME ADMINISTRATORS

IN THE MATTER OF)	Case Nos. 18-0195, 18-0267
)	
)	
SAMUEL BOEKE,)	COMBINED STATEMENT OF
License No. 002942)	CHARGES, SETTLEMENT
RESPONDENT.)	AGREEMENT, AND FINAL ORDER

COME NOW the Iowa Board of Nursing Home Administrators and Samuel Boeke (“Respondent”) and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Order”) pursuant to Iowa Code sections 17A.10 and 272C.3(4), and Iowa Administrative Code chapter 645–12, stating the following:

A. STATEMENT OF CHARGES

Count I

1. 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, in violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645–144.2(14).

Count II

2. Respondent is charged with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of nursing home administration or engaging in unethical conduct or practice harmful or detrimental to the public, in violation of Iowa Code section 147.55(3) and Iowa Administrative Code rule 645–144.2(4).

Count III

3. Respondent is charged with negligence by the licensee in the practice of the profession, which includes improper delegation of duties or supervision of employees or other individuals, in violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645–144.2(12).

B. FACTUAL CIRCUMSTANCES

4. Respondent holds Iowa license number 002942 to practice as a nursing home administrator. His license is active and will next expire on December 31, 2019.

5. In December 2017, Respondent began serving as the Nursing Home Administrator for Sheffield Care Center (“Facility”).

6. As Administrator, Respondent was responsible for the day-to-day operation of the Facility and for ensuring that the Facility was operated in compliance with all state and federal laws and regulations governing the Facility. He was also responsible for ensuring that the highest degree of quality care practicable was delivered to residents.

7. While employed as Administrator, Respondent was not present or otherwise providing Administrator services for the Facility for the amount of time required by 481 Iowa Administrative Code rule 58.8. Respondent made misleading and untrue representations to staff and his employer that his license permitted this.

8. While employed as Administrator, Respondent permitted a person without a current license to engage in actions for which a current license is required.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

9. The Board has jurisdiction over the parties and the subject matter of these proceedings.

10. The parties understand and further agree that settlement of this action by Respondent does not constitute an admission or agreement with any of the findings or determinations of compliance with applicable standards, and that this document is entered into for the sole purpose of effecting a compromise of this action. Likewise, the parties agree that settlement of these matters by the Board does not constitute an admission of error, fault, or mistake on the part of the Board with respect to the findings or determinations of compliance with applicable standards. In order to avoid the uncertainty and further cost of a hearing, the Respondent and the Board agree to resolve this matter according to the terms contained in this Settlement Agreement.

11. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

12. Respondent acknowledges that he has the right to be represented by counsel on this matter.

13. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

14. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

15. This 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