

BEFORE IOWA BOARD OF NURSING HOME ADMINISTRATORS

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IN THE MATTER OF	)	NO. 14-0162
	)	
YVONNE POTTER	)	
License No. 002406,	)	SETTLEMENT AGREEMENT
	)	AND FINAL ORDER
Respondent.	)	

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COMES NOW the Iowa Board of Nursing Home Administrators (Board) and Yvonne Potter (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order (Agreement and Order) of the contested case currently on file against the Respondent:

1. Respondent was originally licensed to practice as a nursing home administrator in 2007, and holds license number 002406. That license is active and will expire on December 31, 2017.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on October 22, 2015. A contested case hearing in this matter was continued on January 15, 2016 and a new hearing has not yet been scheduled.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
4. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered,

this Agreement and Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

5. 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.

6. 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. Accordingly, Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order, and she agrees that the State's counsel may present this agreement to the Board *ex parte*.

7. This Agreement and Order is subject to approval of the Board. If the Board approves this Agreement and Order, it becomes the final disposition of this matter. If the Board fails to approve this Agreement and Order, it shall be of no force or effect to either party.

8. This Settlement Agreement and Final Order as well as the Notice of Hearing and Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

9. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

10. Respondent's license shall be placed on probation for a period of six (6) months. Such probation shall commence on the date of the Board's acceptance of this Settlement Agreement and Final Order.

11. Additionally, Respondent shall, during the probationary period, obtain and provide the Board with documentation that she has completed twenty (20) hours of continuing education on the topics attached to this Settlement Agreement and Final Order as "Exhibit 1". The Board agrees that the continuing education set forth in Exhibit 1 shall satisfy the Board's requirements in this paragraph. If Respondent is unable to attend any of the designated education sessions, or any particular session is cancelled or withdrawn, Respondent agrees to seek approval from the Board Executive Officer for any substituted continued education, prior to attending any of these classes to ensure compliance with this paragraph. The twenty (20) hours of continuing education in this paragraph cannot be used for future continuing education requirements and are in addition to any continuing education hours Respondent obtained for the current compliance period.

12. On the date of the Board's approval of this Agreement and Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty shall be paid within thirty (30) days from the Board's approval of this Agreement and Order, and shall be made payable to the Treasurer of Iowa and mailed to the executive officer of the Board, Sharon Dozier, Bureau of Professional Licensure, Lucas State Office Building 5<sup>th</sup> Floor, 321 E. 12<sup>th</sup>, Des Moines, Iowa 50319-0075. The civil penalty

payment shall be deposited into the State of Iowa general fund. Respondent's license will not be renewed until the civil penalties assessed in this paragraph are paid in full.

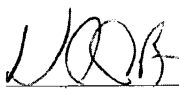
13. Respondent shall comply with all administrative rules governing the practice of nursing home administration.

14. Respondent understands that any violation of the terms of this agreement is grounds for further disciplinary action.

15. This Agreement and Order shall not be binding as to any new complaints received by the Board.

AGREED AND ACCEPTED:

  
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YVONNE POTTER,  
Respondent

 *vice chair*  
\_\_\_\_\_  
CHAIRPERSON,  
IOWA BOARD OF NURSING HOME  
ADMINISTRATORS

Dated: 5/12/16

Dated: 4-21-16

Copies to:

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