BEFORE THE BOARD OF EXAMINERS OF

RESIDENTIAL CARE FACILITY ADMINISTRATORS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. RCA-2004-2
PEGGY M. CHRYSTAL,	)	
License No. RCA-387,	)	**STIPULATION AND**
	)	**CONSENT ORDER**
Respondent.	)	
	)	

RCA\Chrystal\P4197lsa

WHEREAS, information having been received by the Idaho State Board of Examiners of Residential Care Facility Administrators (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Peggy M. Chrystal (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of residential care facility administrators in the State of Idaho in accordance with title 54, chapter 42, Idaho Code.

2. Respondent Peggy M. Chrystal is a licensee of the Idaho State Board of Examiners of Residential Care Facility Administrators and holds License No. RCA-387 to practice as a residential care facility administrator in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 42, Idaho Code.

3. In approximately May 2002 Respondent admitted herself to an addiction treatment program for chemical dependency.

4. On or about July 8, 2002, Respondent was convicted upon of plea of guilty

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to issuing a check without funds in violation of Idaho Code § 18-3106(a) and (b), a felony, in State v. Chrystal, Idaho Fifth Judicial District for Twin Falls County Case No. CR-01-3796. A true and correct copy of the Judgment of Conviction is attached hereto as Exhibit 1.

5. Respondent currently participates in relapse prevention and is receiving medication treatment and mental health counseling.

6. Respondent's actions constitute a violation of Idaho Code § 54-4213(1)(a) and constitute grounds for discipline against Respondent's license to practice as a residential care facility administrator.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Peggy M. Chrystal, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a residential care facility administrator in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of residential care facility administrators in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. RCA-387 issued to Respondent Peggy M. Chrystal is hereby suspended for a period of one (1) year with the entire one-year suspension WITHHELD so long as Respondent complies with the terms of this Consent Order and with her probation in Case No. CR-01-3796.

2. Respondent shall pay investigative costs and attorney fees in the amount of Four Hundred Fifty and No/100 Dollars ($450.00) within thirty (30) days of the entry of the Board's Order.

3. Respondent's License No. RCA-387 shall be placed on probation for a period of three (3) years from the date of entry of the Board's Order. The conditions of probation are as follows:

a. Within sixty (60) days of entry of the Board's Order and annually thereafter during the term of Respondent's probation, Respondent shall provide the Board with a report from a medical doctor certifying that Respondent possesses the mental and emotional capacity to act as a residential care facility administrator.

b. During the three (3) year period of probation, Respondent agrees to random testing for the presence of illegal or non-prescribed drugs or alcohol in her system. Upon written demand by the Board, the Idaho Bureau of Occupational Licenses, or their respective employees or agents, Respondent shall, within twenty-four (24) hours of receiving the demand, report to the hospital, clinic or other medical facility specified in the demand and provide a urine sample for the purpose of testing for the presence of illegal or non-prescribed drugs or alcohol. Respondent further authorizes the results of this testing to be provided by said medical facility directly to the Board and/or the Bureau of Occupational Licenses.

c. Respondent shall comply with all terms of her probation as ordered

by the court in Twin Falls County Case No. CR-01-3796. If a court finds that Respondent has violated any terms of her probation in Case No. CR-01-3796, said probation violation shall constitute a default of this Stipulation and Consent Order and the one-year suspension period described in Paragraph C(1) above shall be immediately imposed.

d. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of residential care facility administrators in the State of Idaho.

e. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

f. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho may, if approved by the Board, apply to the reduction of the probation period but will not excuse compliance with the terms of this Stipulation.

g. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

h. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

4. At the conclusion of the three-year probationary period, Respondent may request from the Board reinstatement of License No. RCA-387 without restriction. Any request for reinstatement must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant reinstatement of Respondent's license or to deny reinstatement and continue the period of probation.

5. All costs associated with compliance with the terms of this stipulation are

the sole responsibility of Respondent.

6. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4213. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and

charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, title 9, chapter 3, Idaho Code.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

> I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If

the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 6 day of August, 2004.

Peggy M Chrystal

Peggy M. Chrystal
Respondent

I concur in this stipulation and order.

DATED this 9th day of August, 2004.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By

Kenneth F. Stringfield
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4205, the foregoing is adopted as the decision of the Board of Examiners of Residential Care Facility Administrators in this matter and shall be effective on the 26th day of October, 2004. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF
EXAMINERS OF RESIDENTIAL
CARE FACILITY ADMINISTRATORS

By Ione Springer

IONE SPRINGER, CHAIR

AUG-01-2004 01:01 PM IMPERIAL CARE 208 734 9678 P.02

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of October, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Peggy M. Chrystal 281 Caswell Avenue W, #C11 Twin Falls, ID 83301	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Kenneth F. Stringfield Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Chief
Bureau of Occupational Licenses