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BEFORE THE IDAHO STATE BOARD OF EXAMINERS

OF NURSING HOME ADMINISTRATORS

In the Matter of the License of:	)	
	)	Case No. NHA-2006-2
ROGER G. KING,	)	
License No. NHA-385,	)	**STIPULATION AND**
	)	**CONSENT ORDER**
Respondent.	)	
	)	

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WHEREAS, information having been received by the Idaho State Board of Examiners of Nursing Home Administrators (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Roger G. King (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 nursing home administration in the State of Idaho in accordance with title 54, chapter 16, Idaho Code.

2. Respondent Roger G. King is a licensee of the Idaho State Board of Examiners of Nursing Home Administrators and holds License No. NHA-385 to practice as a nursing home administrator in the State of Idaho. Respondent's license expired on November 14, 2005, and Respondent's license was canceled as of November 15, 2005. Respondent has not renewed his license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew his license for up to five (5) years after cancellation by paying the required fees.

3. From approximately June 2004 to February 2005, Respondent was the administrator at the Gooding Rehabilitation & Living Center in Gooding, Idaho.

4. On or about February 3, 2005, the Idaho Department of Health and Welfare conducted a survey of the Gooding Rehabilitation & Living Center. The survey findings as relating to Respondent's administration of the facility included:

a. The facility failed to administer resources and implement policies and procedures related to abuse, investigation, nursing cares, management of psychotropic medications, infection control, and staff inservice education to meet the assessed needs of the residents. In addition, widespread system failures were identified for infection control, environmental services, and dietary services that presented the potential for more than minimal harm.

b. The facility failed to maintain complete and accurate medical records for 3 of the 18 sampled residents.

c. The facility did not obtain timely laboratory services to meet the needs of one of the 18 sampled residents.

5. The above-stated allegations, if proven, would constitute a violation by Respondent of the laws and rules governing the practice of nursing home administration, specifically Idaho Code § 54-1612(1)(b). Violations of this law would further constitute grounds for disciplinary action against Respondent's license to practice as a nursing home administrator in the State of Idaho.

6. Respondent denies that his conduct violated the laws and rules governing the practice of nursing home administration but, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the discipline against his license as set forth in Section C below.

B.

I, Roger G. King, by affixing my signature hereto, acknowledge that:

1. I have read the allegations pending before the Board, as stated above in section A. I understand that these allegations, if proven, would constitute cause for disciplinary action upon my license to practice as a nursing home 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 nursing home administration 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. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Eighty-Five and No/100 Dollars ($285.00) within sixty (60) days of the entry of the Board's Order.

2. Respondent agrees to voluntarily surrender License No. NHA-385, including any renewal rights, for a period of five (5) years from the date of entry of the Board's Order.

3. Should Respondent wish to reapply for licensure following five (5) years from the date of entry of the Board's Order, Respondent shall apply as a new applicant.

4. 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 § 54-1612. 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. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

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 10 day of Sept, 2007.

Roger G. King
Respondent

I concur in this stipulation and order.

DATED this 26th day of September 2007.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-1604, the foregoing is adopted as the decision of the Board of Examiners of Nursing Home Administrators in this matter and shall be effective on the 29 day of NOVEMBER, 2007. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

By James B. Roberts NHA
James Roberts, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Roger G. King 1864 E. 2950 S. Wendell, ID 83355	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Emily A. Mac Master 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

Tana Cory

Tana Cory, Chief
Bureau of Occupational Licenses