

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS

RE:
Nursing Home Administrator License of

Scott Morton
License No. 113394
Respondent.

Case No. 22-0214
DIAL No. 23IDPHBNHA0001

**SETTLEMENT AGREEMENT AND
FINAL ORDER**

COME NOW the Iowa Board of Nursing Home Administrators (“Board”) and Mr. Scott Morton (“Respondent”) of Richton Park, Illinois, and enter into this Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and 645 Iowa Administrative Code (“IAC”) 12.1. The Board has authority to take disciplinary action pursuant to Iowa Code sections 147.55 and 272C.3, and 645 IAC chapter 144.

A. FACTUAL CIRCUMSTANCES & PROCEDURAL HISTORY

1. Respondent held Iowa license number 113394 to practice nursing home administration, which expired on December 31, 2023.
2. Respondent served as an interim nursing home administrator for Dubuque Specialty Care in Dubuque, Iowa, from June 20, 2022 to July 5, 2022.
3. As the administrator, Respondent was responsible for the day-to-day operation of Dubuque Specialty Care and for ensuring that the facility was operated in compliance with all state and federal laws governing it.
4. On June 22, 2022, Respondent identified resident safety concerns related to facility practices concerning the door code and smoking policies at Dubuque Specialty Care. To address these concerns, Respondent began enforcing the existing door code policy, which meant residents could no longer use the code to let themselves out. No advance notice of this change was provided to residents or family members. Similarly, Respondent also began enforcing the existing smoking policy, which meant residents could no longer smoke on the premises. No advance notice of this change was provided to residents, family members, or medical providers. Staff received only verbal notice about the changes in enforcement of the door code and smoking policies; Respondent provided no written communication about the changes.
5. Despite Respondent’s efforts to educate staff about the changes in policy enforcement during team meeting(s) that day, some facility staff remained confused and uncertain about the changes and how to implement them.

5. Later that evening, enforcement of the smoking policy led to a disagreement between a resident and a nursing home facility staff member. The disagreement resulted in the resident leaving the facility. Confusion over the details of the policy changes led to the resident remaining outside for approximately 11 hours overnight when staff erroneously refused to re-admit the resident. The resident eventually called a taxi and fell while attempting to enter it. The resident was transported to a hospital. During the time the resident remained outside the facility, the facility failed to provide the resident with food, transfer assistance, treatments, and/or medications.
6. Respondent was not present at the facility at the time the resident left, as Respondent's shift had ended. However, he was contacted via telephone by a facility staff member that evening and informed that the resident left against medical advice. Respondent was not informed until the following day that the resident was left outside overnight, that he was denied re-entry to the facility or that he was not provided with food, transfer assistance, treatments and/or medications.
7. On January 12, 2023, the Board filed a Statement of Charges against Respondent's license, alleging that his role in the events described above violated three rules governing the profession of nursing home administration found in 645 IAC chapter 144. This case is currently set for a hearing before the Board on May 21-22, 2024. Parties enter this Order to settle the contested case currently pending before the Board.

B. SETTLEMENT AGREEMENT AND FINAL ORDER

8. Respondent denies fault or wrongdoing, but acknowledges that the Factual Circumstances, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order. Respondent enters this Order to avoid the burden and the unknown of a contested case proceeding.
9. Respondent acknowledges that the Factual Circumstances are now public and available for inspection and copying in accordance with Iowa Code chapters 22 and 272C.
10. The Board has jurisdiction over Respondent and the subject matter of this proceeding.
11. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing before the Board on the charges, but Respondent waives the right to a hearing and all attendant rights, including the right to appeal or to 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 and is represented by Christine Conover, Carrie Thompson, and Matthew Roth.

13. 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.
14. 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 to be imposed in the event of any future violations. This Order shall not be binding as to any new complaints received by the Board.
15. Respondent understands the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.
16. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
17. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.
18. Counsel for the State will present this Order to the Board *ex parte*.
19. This Order shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

IT IS THEREFORE ORDERED:

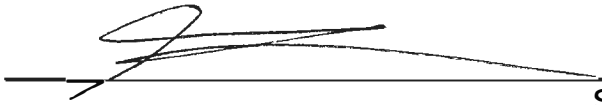
20. Respondent is CITED for violation of 645 IAC 144.2(12) and WARNED that future violations may result in further disciplinary action.
21. Respondent shall provide proof of completion of at least SIX hours of continuing education related to the rights of residents, harm reduction practices, effective communications with staff, or nursing home administration ethics within six months of execution of this settlement agreement. These hours shall not count toward Respondent's continuing education renewal requirements.
22. The notifications required to be submitted to the Board pursuant to this Order should be mailed to the Iowa Board of Nursing Home Administrators, Bureau of Professional Licensure, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50320, or emailed to PLPublic@idph.iowa.gov.
23. Respondent assumes responsibility for all expenses incurred to comply with the conditions and requirements imposed by this Order.

6200 Park Avenue, Suite 100, Des Moines, Iowa 50320, or emailed to PLPublic@idph.iowa.gov.

23. Respondent assumes responsibility for all expenses incurred to comply with the conditions and requirements imposed by this Order.

24. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155, and 272C and 645 IAC chapters 13 and 144.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 2nd day of May 2024.



SCOTT MORTON
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Nursing Home Administration on the 7th day of May 2024.

/s/ Jessica O'Brien

Jessica O'Brien, Board Executive
Iowa Board of Nursing Home
Administration

Copy to:
Samantha Wagner, Assistant Attorney General
Katie Carl, Assistant Attorney General
1305 East Walnut Street, 2nd Floor
Des Moines, IA 50319
ATTORNEYS FOR THE STATE

Carrie L. Thompson