

**BEFORE THE MINNESOTA  
BOARD OF EXAMINERS FOR  
NURSING HOME ADMINISTRATORS**

In the Matter of  
Darrell H. Schwartz, LNHA  
License No. 2920

**STIPULATION AND ORDER**

**STIPULATION**

Darrell H. Schwartz, LNHA ("Licensee"), and the Minnesota Board of Examiners for Nursing Home Administrators ("Board") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Board is authorized by Minnesota Statutes sections 144A.18 to 144A.29 (2006) to license and regulate nursing home administrators and to take disciplinary action as appropriate.

2. Licensee was licensed on January 10, 1994. On June 30, 2005, Licensee's license expired and became inactive. However, because Licensee retains the right to reactivate his license, he is subject to the jurisdiction of the Board for the matters referenced in this Stipulation and Order.

**II.**

**FACTS**

3. The parties agree that on April 11, 2006, Licensee was found guilty of the following crimes:

- a. 18 U.S.C. section 371 (conspiracy to embezzle);

b. 18 U.S.C. sections 69 and 2 (embezzlement in connection with health care and aiding and abetting); and

c. 18 U.S.C. sections 666(a)(1)(A) and 2 (embezzlement involving federal program funds and aiding and abetting).

### III.

#### LAWS

4. Licensee acknowledges that the conduct described in section II above constitutes a violation of Minnesota Rules 6400.6900, subpart 1A (convicted of a felony), E (violated a statute, rule, or order that the Board is empowered to enforce), G (committed acts and misconducts substantially related to the qualifications, functions, or duties that a nursing home administrator performs), H (engaged in fraudulent, deceptive, or dishonest conduct that adversely affects the individual's ability or fitness to practice as a nursing home administrator), I (engaged in unprofessional conduct), M (practiced fraud, deceit, cheating, or misrepresentation), and justifies the disciplinary action described in section IV below.

### IV.

#### DISCIPLINARY ACTION

5. Licensee is hereby **REPRIMANDED** for the conduct described above.

6. Upon this stipulation and all of the files, records and proceedings and without any further notice or hearing, Licensee consents that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order as follows:

a. Licensee's license to practice as a nursing home administrator in the State of Minnesota is **REVOKED**. Licensee shall immediately discontinue practicing as a nursing

home administrator in Minnesota. Within ten days after the terms of this stipulation are adopted and implemented by the Board, Licensee shall return his most recent license certificate, which expired on June 30, 2005, and the most recent evidence of renewal to the Board, pursuant to Minnesota Rules 8740.0260.

b. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice as a nursing home administrator in a setting in Minnesota for which licensure is required.

c. Licensee shall not use the title nursing home administrator or any designation which indicates licensure as a nursing home administrator.

d. Upon Licensee's return of his license to practice as a nursing home administrator in Minnesota, the Board agrees to close its files in this matter.

e. Should Licensee reapply for licensure in Minnesota, the Board may reopen its investigation.

7. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party except that Licensee agrees that should the Board reject this stipulation and if this case proceeds to hearing, Licensee shall assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to it.

8. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Licensee has knowingly and expressly waived that right.

9. Licensee waives any further hearings on this matter before the Board to which Licensee may be entitled by United States or Minnesota constitutions, statutes, or rules and agrees that the order to be entered under to the stipulation shall be the final order.

10. Licensee acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties. There are no other agreements of any kind that vary the terms of this stipulation.

11. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

12. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

13. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

14. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data under Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board under

this Order is considered active investigative data on a licensed health professional and, as such, is classified as confidential data under Minnesota Statutes section 13.41, subdivision 4.

V.

**CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

15. It is Licensee's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Order.

16. If Licensee violates this Stipulation and Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Standards of Practice Committee ("Committee") shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee a notice of the alleged violation and of the time and place of the hearing. Within five days after the notice is mailed, Licensee shall submit a response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their position. The record before the Board shall be limited to such affidavits and this Stipulation and Order. Licensee waives a hearing before an administrative law judge 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 further disciplinary action, which may include suspension or revocation of Licensee's license.

17. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

**VI.**

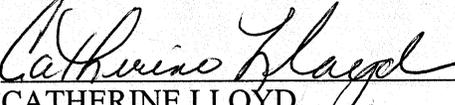
**DATA PRACTICES NOTICES**

18. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

Dated: July 26, 2006

Dated: 10/25/06

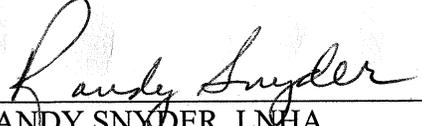
  
DARRELL H. SCHWARTZ, LNHA  
Licensee

  
CATHERINE LLOYD  
Board Member

**ORDER**

Upon consideration of this Stipulation, the Board **REVOKES** Licensee's license and adopts all of the terms described above, effective October 25, 2006.

STATE OF MINNESOTA  
BOARD OF EXAMINERS FOR  
NURSING HOME ADMINISTRATORS

  
RANDY SNYDER, LNHA  
Executive Director