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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
JAMES WEIBELER	:	LS0503171NHA
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

James Weibeler
N30 W6807 Lincoln Blvd.
Cedarburg, WI 53012

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Nursing Home Administrators Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Nursing Home Administrators Examining Board (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James Weibeler (“Respondent”), (DOB 05/07/1966) is duly licensed as Nursing Home Administrator in the state of Wisconsin (65-3171). This license was first granted on 07/31/2001.
2. Respondent's most recent address on file with the Wisconsin Nursing Home Administrators Examining Board is N30 W6807, Cedarburg, WI 53012.
3. Per Wis. Stat. § 456.07(1), every person who is licensed as a nursing home administrator “shall biennially apply to the examining board for a new certificate of registration;” and per Wis. Stat. § 440.08(2)(a)51, nursing home administrators shall do so “July 1 of each even-numbered year.”
4. Beginning on or about March 3, 2001, and at all times relevant to this action, Respondent was working as the Nursing Home Administrator of Alexian Village, located in Milwaukee, Wisconsin.
5. On or about July 1, 2002, Respondent’s certificate of registration expired. Respondent’s certificate of

registration was not renewed until February 10, 2003. Respondent continued to work as a Nursing Home Administrator during between July 8, 2002 and February 10, 2003.

6. Per Wis. Admin. Code § NHA 3.02(1), “Every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period.

7. Respondent completed only 15 contact hours of approved continuing education programs during the biennial renewal period of July 1, 2002 to June 30, 2004.

8. On or about June 3, 2004, Respondent also began a course entitled “Managerial Communication and Ethics,” offered by the University of Phoenix, an “on-line college.” Said course is offered for three college credits by the University of Phoenix. Said course, and other courses offered by the University of Phoenix, is not presently approved for continuing education credit by the Board.

CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrators Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 456.02(5), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct of JAMES WEIBELER as described in paragraphs four (4) to five (5), above, constitutes a violation of Wis. Stat. § 456.07(1).

3. The conduct of Mr. Weibeler as described in paragraph seven (7), above, constitutes a violation of Wis. Admin. Code § NHA 3.02(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. JAMES WEIBELER, be, and hereby is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall within (60) days from the date of this Order, pay partial costs of this proceeding in the amount of seven hundred and fifty dollars (\$750.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Respondent shall attend and successfully complete nine (9) contact hours of approved continuing education within six (6) months of the date of this Order, with proof of successful completion of the course to be submitted to the Department Monitor at the address indicated above; said education shall not be counted towards completion of Respondent’s continuing education requirements in the current biennial period; Respondent may apply to the Board for approval of continuing education credit contact hours based upon Respondent’s completion of “Managerial Communication and Ethics,” offered by the University of Phoenix, which the Board may refuse to do in its sole discretion, and which the Board will only do if Respondent’s request complies with applicable rules of the Board.

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that a Respondent fails to timely submit any payment of the forfeiture as set forth above, or fails to comply with the ordered continuing education the Respondent's license (65-3171) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

NURSING HOME ADMINISTRATORS EXAMINING BOARD

By:	Jerry Schallock	3-17-05
	A Member of the Board	Date