

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
VICTORIA A. HALL, : LS0603161NHA
RESPONDENT. :

[Division of Enforcement Case # 03 NHA 029]

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

Victoria A. Hall
831 E. Lindberg Street
Appleton, WI 54911

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

Wisconsin Nursing Home Administrator Examining Board
Department of Regulation and 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 Administrator Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Victoria A. Hall, Respondent, date of birth December 5, 1951, is licensed by the Wisconsin Nursing Home Administrator Examining Board as a nursing home administrator in the state of Wisconsin pursuant to license number 2483, which was first granted September 4, 1990.
2. Respondent has not renewed her nursing home administrator license since it expired on June 30, 2004, but could renew it pursuant to Wis. Stat. § 440.08(3)(a) and Wis. Adm. Code § NHA 4.02(2) by payment of fees, completion of required continuing education and submission of an affidavit that she has not practiced while not registered.
3. Respondent's last address reported to the Department of Regulation and Licensing regarding this license is 670 S. Western Avenue, Neenah, WI 54956. The Division of Enforcement has determined that Respondent's most recent address is 831 E. Lindberg Street, Appleton, WI 54911.
4. From approximately April 2002 until her resignation on April 23, 2004, Respondent was employed at Bishop's Court, a Community Based Residential Facility (CBRF) located in Green Bay, Wisconsin. Respondent was initially hired as the assistant to the Administrator and in approximately December 2002, became the Administrator at Bishop's Court.
5. From March 29, 2001 until her death on October 9, 2003, Ms. A (date of birth June 21, 1914) was a resident at Bishop's Court. Ms. A's medical/surgical history upon admission included a diagnosis of dementia. Ms. A was initially able to

handle her personal affairs efficiently but as her dementia increased, she was unable to do so. Ms. A's declining mental ability and increasing dementia were apparent to all staff. By the summer of 2002, Ms. A had become very confused and often exhibited "bizarre" behavior. Ms. A was very wealthy and had no immediate family.

6. During the time Ms. A was a resident at Bishop's Court, Respondent developed a personal relationship with Ms. A and gained her trust. By January 2003, it was apparent to anyone that Ms. A was no longer competent to execute legal documents. In February 2003, Respondent had Ms. A sign a Power of Attorney for Health Care which purportedly appointed Respondent as her agent. In March 2003, Respondent had Ms. A sign a Durable Power of Attorney which purportedly gave Respondent authority to handle Ms. A's financial matters. Bishop's Court had a policy which prohibited employees from serving in either role for a resident.

7. Respondent used the power of attorney to transfer money from Ms. A's accounts to her own. Respondent made several sizable transactions, as large as \$86,000, including a transfer of \$36,000 on the day Ms. A died. Respondent did not have Ms. A's permission to make any of the transactions, which totalled more than \$300,000.

8. After Ms. A's death, a law firm handling the probate of Ms. A's estate noticed the missing funds and an investigation was conducted.

9. As a result of the investigation, on March 30, 2005, Respondent was charged in Brown County Wisconsin Circuit Court case number 2005CF000355 with:

a. One count of Theft-Movable Property >\$2500, a Class H felony, in violation of Wis. Stat. § 943.20(1)(a) & (3)(d).

b. One count of Theft-Movable Property >\$2500, a Class G felony, in violation of Wis. Stat. § 943.20(1)(a) & (3)(c).

10. On September 28, 2005, as a result of a plea agreement, Respondent pled no contest and was found guilty and convicted of one count of violating Wis. Stat. § 943.20(1)(a), Theft-Movable Property >\$2500, a Class H felony, and the other count was dismissed but read in for consideration in sentencing.

11. On January 17, 2006, Respondent was sentenced to 30 months in prison and 30 months of extended supervision. Terms included:

- a. Pay restitution to the estate.
- b. Counseling as determined by Agent. Obtain financial counseling.
- c. Not to go to any gambling establishments.
- d. No employment in the health care field or financial field.

12. Wis. Stat. § 943.20(1)(a), Theft-Movable Property >\$2500, is a law substantially related to practice under Respondent's license.

CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrator Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 456.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has violated a law substantially related to the practice of nursing home administration, and has committed unprofessional conduct as defined by Wis. Adm. Code § NHA 5.02(1) & (11), which subjects Respondent to discipline pursuant to Wis. Stat. § 456.10(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Victoria A. Hall, Respondent, of her license and her right to renew her license as a nursing home administrator in the state of Wisconsin is hereby ACCEPTED, effective immediately.

2. Respondent shall pay costs of \$525.00 to the Department of Regulation and Licensing, within 120 days of this Order.

3. If Respondent ever makes application to the Board for any license:

a. Respondent shall meet all requirements which are then required by statute and administrative rule for that license.

b. Respondent shall inform the Board of all facilities and health care providers from whom she has received evaluations or treatment since April 2002 for any psychiatric or psychological conditions and shall provide the Board with releases which allow the Board or its designee to obtain those records and speak with those providers.

c. Respondent shall be evaluated by a health care professional approved by the Board to determine if Respondent has any condition which impairs her ability to safely and appropriately practice under the license.

d. It shall be in the sole discretion of the Board whether to grant Respondent a license, with or without limitations.

e. If Respondent believes that the Board's denial of a license is inappropriate or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial of license or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. All requests, notices and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

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

Wisconsin Nursing Home Administrator Examining Board

By: David M. Egan
A Member of the Board

3/16/06
Date