

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
KAREN E. MASON, N.H.A., :
RESPONDENT. : LS0805151NHA

[Division of Enforcement Case # 05 NHA 013]

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

Karen E. Mason, N.H.A.
W340N6205 Breezy Point Road
Oconomowoc, WI 53066

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Karen E. Mason, N.H.A., Respondent, (formerly known as Karen E. Mueller), date of birth June 7, 1952, is licensed by the Wisconsin Nursing Home Administrator Examining Board as a nursing home administrator in the state of Wisconsin pursuant to license number 3090, which was first granted December 23, 1999.

2. Respondent's last address reported to the Department of Regulation and Licensing is W340N6205 Breezy Point Road, Oconomowoc, WI 53066.

3. During the events of this matter, Respondent was the Chief Operating Officer (COO) and Nursing Home Administrator (NHA) of Havenwood Nursing and Rehabilitation Center LLC (Havenwood) in Milwaukee, Wisconsin.

4. In April 2005, as a result of allegations of widespread neglect and abuse, along with possible Medicaid fraud and complaints by employees about receiving paychecks for which there were insufficient funds, the Centers for Medicare & Medicaid Services (CMS) conducted a survey of Havenwood. Survey findings identified deficiencies which constituted substandard quality of care.

5. As a result of the investigation, on July 31, 2007, Respondent was charged in Milwaukee County Wisconsin Circuit Court case number 2007CF002947 with three felonies. On February 14, 2008, as a result of a plea agreement, a

Second Amended Information was filed and Respondent pled no contest and was found guilty and convicted of the following felonies:

Count 1 (Theft – Party to the Crime)

Between January 1, 2002 and April 13, 2005, Respondent, as party to the crime, stole \$64,435.51 from Havenwood Bank One resident trust fund (RTF), contrary to Wis. Stats. §§ 943.20(1)(b) & (3)(c), and 939.05.

Count 2 (Theft – Party to the Crime)

Between October 17, 2003 and April 29, 2005, Respondent, as party to the crime, stole \$20,696.75 from the Havenwood employee 401(k) account administered by New England Financial, contrary to Wis. Stats. §§ 943.20(1)(b) & (3)(c), and 939.05.

Count 3 (Neglect of Patients/Residents Likely to Cause Great Bodily Harm)

Between July 1, 2001 and April 13, 2005, Respondent, as a person in charge of or employed at a health care facility or care related facility or home, failed to arrange for the purchase and delivery of proper medical devices, or apparatuses and food in a timely manner for residents of Havenwood Nursing Home and Rehabilitation Center, and created a significant danger to the physical health of TAA, AFS, JMG and others who were all patients/residents of Havenwood Nursing Home and Rehabilitation Center, contrary to Wis. Stats. §§ 940.295(1)(k), (3)(a)(3) & (3)(b)(2).

6. As of the date the attached Stipulation was signed by the Division of Enforcement, Respondent's sentencing on the criminal charges is scheduled for June 18, 2008.

7. Wis. Stat. § 943.20(1)(b), Theft, and Wis. Stat. § 940.295(1)(k), (3)(a)(3) & (3)(b)(2), Neglect of Patients/Residents Likely to Cause Great Bodily Harm, are laws 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 laws substantially related to the practice of nursing home administration, and has committed unprofessional conduct as defined by Wis. Adm. Code § NHA 5.02(1), (6) and (8) which subjects Respondent to discipline pursuant to Wis. Stat. § 456.10(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Karen E. Mason, N.H.A., as a nursing home administrator in the State of Wisconsin is hereby **REVOKED**.

2. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$910.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

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

4. This Order is effective on the date it is signed.

Wisconsin Nursing Home Administrator Examining Board

By: David M Egan
A Member of the Board

5/15/08
Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
KAREN E. MASON, N.H.A., : LS _____ NHA
RESPONDENT. :

[Division of Enforcement Case # 05 NHA 013]

It is hereby stipulated and agreed, by and between Karen E. Mason, N.H.A., Respondent; Craig W. Albee of Glynn Fitzgerald & Albee, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. If the Board adopts this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. If the Board adopts this Stipulation, the Board's Final Decision and Order will constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Karen E. Mason, N.H.A.
Respondent
W340N6205 Breezy Point Road
Oconomowoc, WI 53066

Date

Craig W. Albee
Glynn, Fitzgerald & Albee, S.C.
Attorneys for Respondent
526 E. Wisconsin Avenue
Milwaukee, WI 53202-4503

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date