

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
: LS# 0806052NHA
CHERYL J. HALVERSON, :
RESPONDENT. :

Division of Enforcement Case # 07 NHA 003

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

Cheryl J. Halverson
9570 Lyster Road
Readstown, WI 54652

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

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Nursing Home Administrator Examining Board on June 5, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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. Cheryl J. Halverson, (DOB 05/26/1970) is duly licensed as a Nursing Home Administrator in the state of Wisconsin (license # 65-3264). This license was first granted on August 1, 2003.
2. Respondent's most recent address on file with the Wisconsin Nursing Home Administrator Examining Board is 9570 Lyster Road, Readstown, Wisconsin, 54652.
3. At all relevant times, Respondent was the nursing home administrator at Tomah Healthcare Center in Tomah, Wisconsin.

4. In or about January of 2006, the Wisconsin Department of Health and Family Services conducted a life safety code survey of Tomah Healthcare Center and discovered that four out of twelve required fire drills had not been documented as conducted within the last calendar year. Respondent claimed that the fire drills had been conducted and that she would fax the documentation when it was found.

5. Respondent later faxed documentation of fire drills having been conducted on September 10, 2005 on first shift, August 18, 2005 on second shift, April 6, 2005 on third shift, and January 28, 2005 on third shift.

6. Subsequent interviews of relevant staff, fire department and alarm system personnel, and review of signatures on documents, indicated that the fire drills Respondent claimed occurred on September 10, 2005, August 18, 2005, April 6, 2005 and January 28, 2005 never in fact occurred.

CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrator's Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 456.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 - 6 above constitutes a violation of Wisconsin Administrative Code §§ NHA 5.02(1), (2) and (6), and subjects Respondent to discipline pursuant to Wis. Stat. §§ 456.10(1)(a) and (bm).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Nursing Home Administrator Examining Board accepts the surrender of the license of Cheryl J. Halverson (license #65-3264), to practice as a nursing home administrator in the State of Wisconsin.

3. In the event that Ms. Halverson re-applies for Wisconsin licensure as a nursing home administrator in the future, the Board may enter an order denying such application without further notice or hearing.

4. This Order shall become effective upon the date of its signing.

Dated at Madison, Wisconsin this 7th day of August, 2008.

Nursing Home Administrator Examining Board

By: David M. Egan
A Member of the Board

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
CHERYL J. HALVERSON, : STIPULATION
RESPONDENT. : LS# 0806052NHA
 :

Division of Enforcement Case # 07 NHA 003

Cheryl J. Halverson, personally on her own behalf; and Jeanette Lytle, Attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 07 NHA 003). Respondent consents to the resolution of this investigation by stipulation.

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 been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to voluntarily surrender her license to practice as a nursing home administrator in the State of Wisconsin. Respondent agrees that she will not reapply for Wisconsin licensure as a nursing home administrator at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a nursing home administrator, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Nursing Home Administrator Examining 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.

6. 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Nursing Home Administrator Examining Board ever assigned as an 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 Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a

public record and will be published in accordance with standard Department procedure.

9. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would 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 the Board adopt this Stipulation and issue the attached Final Decision and Order.

Cheryl Halverson
9570 Lyster Road
Readstown, WI 54652

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date