

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS
EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
R. JAMES GENRICH,	:	LS0902121NHA
RESPONDENT.	:	

Division of Enforcement Case # 06 NHA 001

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

R. James Genrich
2596 Du Charme Lane
Green Bay, WI 54301

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 [Licensing Authority]. 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. R. James Genrich, (DOB 09/06/1949) is duly licensed as a Nursing Home Administrator in the state of Wisconsin (license # 65-2994). This license was first granted on June 24, 1998.
2. Respondent's most recent address on file with the Wisconsin Nursing Home Administrators Examining Board is 2596 Du Charme Lane, Green Bay, Wisconsin, 54301.
3. At all relevant times, Respondent was employed as the Administrator of a community based residential facility ("CBRF").
4. On or about December 6, 2005, the Department of Health and Family Services (now known as the Department of Health Services) conducted a survey of the CBRF, and found, among other violations, the following violations

of law:

- (a) Respondent failed to ensure that staffing patterns were adequate to meet the needs of residents, in violation of Wis. Admin. Code § HFS 83.15(1)(a). On nights and weekends, one staff member was required to care for as many as 72 residents, some of whom had dementia and wandered, and some of whom had a history of falls. DHFS documented four incidents involving 3 residents who did not receive prompt and adequate treatment due to staffing levels.
- (b) Respondent failed to ensure that residents received prompt and adequate treatment, in violation of Wis. Admin. Code § HFS 83.21(4)(p). The facility did not have a call light or call bell system. To gain assistance, residents were to call the caregiver via telephone, or open their room door and keep a light on to signal the need for help. One resident fell during the night and sustained a fracture. She was discovered on the floor the next morning. Another resident fell out of bed, and the single caregiver was unable to get him off the floor until a relative could come help.
- (c) Respondent failed to report an accident resulting in hospitalization to DHFS, in violation of Wis. Admin. Code § HFS 83.19(3)(f).
- (d) Respondent failed to ensure that Individual Service Plans were updated, in violation of Wis. Admin. Code § HFS 83.32(2)(a)1.
- (e) Respondent failed to ensure that an Individual Service Plan was signed as required by Wis. Admin. Code § HFS 83.32(3).
- (f) Respondent failed to ensure that there was a practitioner's order for prescription medication taken by a resident, in violation of Wis. Admin. Code § HFS 83.33(3)(a)1.

5. Respondent states that staffing patterns have been approved by the Department of Health Services subsequent to the December 6, 2005 survey, and the CBRF has implemented quality assurance procedures to ensure that reports are filed, Individual Service Plans are updated and signed, and medication orders are in place. The most recent survey by the Department of Health Services resulted in no citations.

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 paragraph 4 above constitutes a violation of Wisconsin Administrative Code § NHA 5.02(1), and subjects Respondent to discipline pursuant to Wis. Stat. § 456.10(1)(b).

ORDER

IT IS ORDERED:

1. R. James Genrich is REPRIMANDED.
2. The license of R. James Genrich to practice as a Nursing Home Administrator in the State of Wisconsin is LIMITED as follows:
 - (a) Respondent, at his own expense, shall complete six (6) hours of pre-approved continuing education in legal requirements for CBRF operation, within 180 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 180 day time frame, taking into account the board's meeting schedule.

- (b) Upon satisfactory completion of the above-described continuing education, Respondent may petition the board to return to full licensure.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Six Hundred Dollars (\$600.00). 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

4. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (# 65-2994) 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.

Wisconsin Nursing Home Administrators Examining Board:

By: David Egan
A Member of the Board

2/12/09
Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
R. JAMES GENRICH,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 06 NHA 001

R. James Genrich, personally on his 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 # 06 NHA 001). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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 the adoption of the attached Final Decision and Order by the Nursing Home Administrators 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.
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 consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Nursing Home Administrators 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 his 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.
7. 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.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

R. James Genrich
2596 Du Charme Lane
Green Bay, WI 54301

Date

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

Date