

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	ORDER DENYING
THE LICENSE OF	:	MODIFICATION
	:	
DELORES MOYER, RN	:	LS0811101NUR
PETITIONER	:	

TO: Delores Moyer
c/o Attorney Robert Lightfoot
Von Briesen & Roper SC
3 South Pinckney Street Suite 1000
Madison, WI 53703

On July 21, 2011, the Board of Nursing considered the petitioner's Petition for Modification of Final Decision and Order.

BACKGROUND

On September 3, 2009, Petitioner's license was indefinitely suspended with a stay of the suspension if she met certain conditions, including audits of the CBRF facilities that she owned in whole or in part, to ensure that said facilities over which Petitioner had controlled were operated in compliance with relevant nursing regulations and performance standards due to extensive and serious health and safety violations at the facilities. The audits were to commence upon the effective date of the Order, September 3, 2009 and be performed by a registered nurse approved in advance by the Board at a frequency of three times a year (every four months). In addition the Petitioner was required to complete continuing education and pay the costs of the proceedings within 180 days.

On March 25, 2010, the stay of suspension was removed and Petitioner's license reverted to suspended status for failing to complete the audits and continuing education and failure to pay the costs of the proceeding as ordered. On April 28, 2010, the Department Monitor received from the Petitioner proof of completion of the continuing education.

Petitioner informed the Board she stepped down from the position as a leader of the Harbor House's clinical services area as of May 7, 2010. In addition, she claimed her ownership interest in Harbor House changed in that she no longer serves on Harbor House's board. However, Petitioner does retain ownership interest in the way of preferred stock in the company.

On or about December 29, 2010, Petitioner submitted the Petition for Modification of Final Decision and Order requesting the limitations for the audits be removed and that the suspension of her license be stayed on the basis of her education has been complied with and the audits are irrelevant. On January 27, 2011, the Board deferred deliberation of the Petition until the Board received requested documentation from the Department of Health Services – Division of Quality Assurance and confirmation that Ms. Moyer's costs have been paid to the Department. On

February 15, 2011, Petitioner paid the costs of the proceeding to the Department. In June, 2011, Petitioner submitted documentation from Department of Health Services that at this time none of the Azura/Harbor House facilities have any outstanding deficiencies. In July, 2011, Petitioner also submitted four reports from Pathway Health Services, Inc. for one Harbor House facility during the time period of September 2009 through December 2009. Although the reports stated the objective was to proactively address behavioral issues, the need for intervention with change of condition, to notify the responsible party and physician when indicated and to document the above, the primary content was housekeeping, recreational activities and electronic medical record system. There is no indication the reporter was aware of the Board of Nursing Order requiring an audit of the facilities or that it was prepared for the purpose of satisfying the Order. Petitioner did not seek Board approval of the person who prepared the reports.

The information submitted by the Petitioner does not include documentation by an auditor approved by the Board for the time period of September 2009 to May 2010. Nor has Petitioner submitted any documentation or information from any regulatory authority as to whether there were any of significant violations of any regulations that substantially relate to the practice of professional nursing and are applicable to the operation of a CBRF facility owned, in whole or in part by Petitioner.

Absent such information necessary to satisfy the terms of the Board Order, the Board now finds and makes the following:

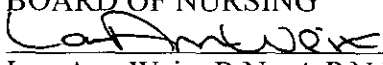
ORDER

NOW, THEREFORE, IT IS ORDERED that the request for modification of the Board Order restrictions upon the registered nurse license of Delores M. Moyer, (#48003-30) to remove the audit requirement is DENIED per the terms of the Board Order dated September 3, 2009, paragraph 3,

“Respondent may petition the board to end the suspension after two years from the date of this Order. The board may grant the request to end the suspension if Respondent shows, to the board's satisfaction, that: (1) no other regulatory authority has made a final determination of significant violations of any regulations that substantially relate to the practice of professional nursing and are applicable to the operation of a CBRF facility owned, in whole or in part, by Respondent, and no proceedings relating to allegations of significant violations are pending; and (2) the auditor referred to in paragraph 2(a) above has not reported any significant concerns or significant deficiencies in the operations of the CBRF facilities Respondent owns, in whole or in part.”

This order is effective on the date signed below.

STATE OF WISCONSIN
BOARD OF NURSING


Lou Ann Weix, R.N., A.P.N.P.
Chairperson

Date

