

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
ROLF F. DONHOWE, N.H.A., : FINAL DECISION AND ORDER
RESPONDENT. : **0003239**

Division of Legal Services and Compliance Case No. 13 NHA 041

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

Rolf F. Donhowe, N.H.A.
101 Elizabeth Ct. S
Turtle Lake, WI 54889

Wisconsin Nursing Home Administrator Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Nursing Home Administrator Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Rolf F. Donhowe, N.H.A., (dob April 17, 1958) is licensed in the State of Wisconsin as a nursing home administrator, having license number 3218-65, first issued on July 3, 2002 and current through June 30, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 101 Elizabeth Court South, Turtle Lake, Wisconsin 54889.

2. At all times relevant to this proceeding, Respondent was employed as the nursing home administrator at a facility (Facility) located in Menomonie, Wisconsin.

Allegation: Failure to Recognize Outbreak and Handle Appropriately

3. Between December 27, 2012 and January 7, 2013, ten (10) residents of Facility became ill with one or more symptoms of influenza.
4. The Facility did not recognize that an outbreak had occurred until January 8, 2013. At that time the facility obtained cultures and two residents tested positive for influenza A. These residents were started on Tamiflu®. The remaining residents began receiving prophylactic doses of Tamiflu® beginning January 10, 2013.
5. The Facility staff had not recognized that an outbreak had occurred beginning December 27, 2012, because the Infection Control Preventionist (the Director of Nursing) was on vacation. The Infection Control Preventionist's backups, the unit manager and the Respondent, were not trained in infection control/prevention techniques.
6. The Wisconsin Department of Health Services found deficiencies in the Facility's reaction to the outbreak for failing to do the following: isolate the residents to their rooms, obtain timely cultures, implement droplet and contact precautions, initiate enhanced cleaning, and notify the Public Health Department in a timely manner.

Allegation: Failure to Address and Report Verbal Abuse of a Resident

7. On May 1, 2013, RN A at Facility emailed the Director of Nurses indicating CNA C was being rude and inconsiderate to Resident B. No follow up to this email was received. CNA C's behavior continued to escalate in the following weeks.
8. On June 4, 2013, RN A again emailed the Director of Nurses. RN A indicated CNA C would sometimes enter Resident B's room to make rude comments and to taunt him. There was no follow up to this email.
9. On June 5, 2013, an investigation began when another nurse, in whom RN A had confided, told the social worker and Director of Nurses some of the details regarding CNA C taunting and making rude comments to Resident B. The Facility interviewed a night CNA and a night RN. CNA C was suspended pending an internal investigation.
10. The Facility's internal investigation substantiated the allegations of verbal abuse and CNA C was subsequently terminated on June 5, 2013.
11. Respondent indicated he did not report the incident involving Resident B and CNA C and the substantiated findings of abuse to the Wisconsin Department of Health Services because he was fearful of the possible repercussions that would follow a self report.
12. The Wisconsin Department of Health Services identified facility deficiencies for failing to do the following: keep resident free from abuse, report and thoroughly investigate all allegations of abuse, protect residents from further potential

abuse, implement policies with respect to investigating allegations of abuse, and prevent further possible abuse while an investigation was in process.

13. On April 11, 2014, Respondent contacted the Department and stated he was no longer practicing as a nursing home administrator and wished to surrender his license.

14. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Rolf F. Donhowe, N.H.A., (license no. 3218-65) to practice as a nursing home administrator in the State of Wisconsin is hereby accepted.

3. In the event that Respondent petitions the Nursing Home Administrator Examining Board for reinstatement as a nursing home administrator in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN NURSING HOME ADMINISTRATOR EXAMINING BOARD

by: Ken Aneson
A Member of the Board

5-22-14
Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROLF F. DONHOWE, N.H.A.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003239

Division of Legal Services and Compliance Case No. 13 NHA 041

Respondent Rolf F. Donhowe, N.H.A., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Nursing Home Administrator Examining Board (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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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.

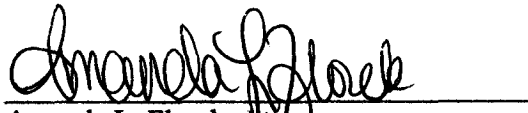
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Rolf F. Donhowe, Respondent
101 Elizabeth Ct. S
Turtle Lake, WI 54889
License No. 3218-65

23 April 2014
Date


Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

4/29/14
Date