WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

TIMOTHY C. DIETZEN, N.H.A., RESPONDENT.

INTERIM ORDER

ORDER UUU73U5

Division of Legal Services and Compliance Case No. 18 NHA 032

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

Timothy C. Dietzen, N.H.A. Waupaca, WI 54981

Wisconsin Nursing Home Administrators 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 an Interim Order in this matter, subject to the approval of the Wisconsin Nursing Home Administrators 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 Timothy C. Dietzen, N.H.A., (DOB XX-XX-1962) is licensed in the state of Wisconsin as a nursing home administrator, having license number 2990-65, first issued on May 29, 1998, and current through June 30, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Waupaca, Wisconsin 54981.

¹ Respondent has also been licensed in the state of Wisconsin as practical nurse, having license number 27098-31, first issued on June 6, 1984, and was scheduled to expire on April 30, 2019. On September 17, 2019, the Wisconsin Board of Nursing denied renewal of Respondent's practical nurse license based on the convictions as set forth in paragraph 3.

- 2. At all times relevant to this proceeding, Respondent was employed as a nursing home administrator at a facility (Facility) located in Weyauwega, Wisconsin.
- 3. On August 14, 2019, Respondent was convicted by a jury in Outagamie County Circuit Court case number 2018CF000737 of three (3) counts of Incest with Child, a class C Felony, in violation of Wis. Stat. § 948.06(1).
- 4. The convictions were based on allegations that Respondent had sexually assaulted three (3) of his adopted sons with special needs between 2013 2017, when they were minors.
- 5. Respondent has appealed the aforementioned convictions and that appeal is pending as of the date of this Order.
 - 6. There has been no final determination by the Board on this matter,
- 7. Respondent denies that he is guilty of the conduct underlying the convictions, but agrees not to engage in the practice of nursing home administration pending the final resolution of the criminal proceedings and this matter.

CONCLUSIONS OF LAW

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

ORDER

- 1. The attached Stipulation is accepted.
- 2. The license and privilege of Timothy C. Dietzen, N.H.A., (license no. 2990-65) to practice nursing home administration in the state of Wisconsin is hereby SUSPENDED during the pendency of this disciplinary matter.
- 3. The suspension shall continue until the Board issues a Final Decision and Order in this disciplinary matter.
- 3. This Order is effective on the date of its signing.

WISCONSIN NURSING HOME ADMINISTRATORS EXAMINING BOARD

By: DSPS Chief Legal Counsel, 4-13-21

A Member of the Board Delegate Date

STATE OF WISCONSIN BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

TIMOTHY C. DIETZEN, N.H.A., RESPONDENT.

STIPULATION FOR INTERIM ORDER

Division of Legal Services and Compliance Case No. 18 NHA 032

Respondent Timothy C. Dietzen, 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.
- 2. 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. Respondent is represented by Attorney Jerome Buting.
- 3. Respondent neither admits nor denies the allegations in these matters but agrees to the adoption of the attached Interim Order by the Wisconsin Nursing Home Administrators Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Interim 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.
- 4. 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 the attached Interim Order.
- 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 or Respondent's attorney, 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 Interim Order.
- 7. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim 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 Interim Order.

Party Cout	2-26-2020
Timothy C. Dietzen, N.H.A., Respondent	Date
Waupaca, WI 54981	•
License no. 2990-65	
Jerome F. Buting, Attorney for Respondent Buting, Williams & Stilling, S.C. 400 N. Executive Dr., Suite 205 Brookfield, WI 53005-6029	2 - 14 - 7-02-0 Date
Carley J. Peich Kissling, Attorney Department of Safety and Professional Services Division of Legal Services and Compliance P.O. Box 7190	3/4/2020) Date

Madison WI 53707-7190