

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TIMOTHY C. DIETZEN, N.H.A.,	:	ORDER0007305
RESPONDENT.	:	

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 the final disposition of 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., (Year of Birth 1962) is licensed in the state of Wisconsin as a nursing home administrator (NHA), having license number 2990-65, first issued on May 29, 1998, and expired as of June 30, 2020.^{1, 2}

¹ Respondent's NHA license is currently suspended pursuant to an Interim Order of Suspension adopted by the Board on April 13, 2021.

² Respondent is also licensed in the state of Wisconsin as a 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 (BON) denied renewal of Respondent's practical nurse license based on the convictions set forth

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Waupaca, Wisconsin 54981.

3. On August 14, 2019, Respondent was convicted by a jury of three (3) counts of Incest with Child, a class C Felony, in violation of Wis. Stat. § 948.06(1) in Outagamie County Circuit Court case number 2018CF000737.

4. The aforementioned convictions are based on allegations that Respondent sexually assaulted his three (3) adopted, minor sons with special needs between 2013 - 2017. None of the individuals were patients in Respondent's care as a nursing home administrator.

5. Respondent has appealed the aforementioned convictions and that appeal is pending.

6. Respondent denies that he is guilty of the conduct underlying the convictions but agrees to voluntarily surrender his license to resolve this matter. Respondent may apply for reinstatement of his license pursuant to Wis. Admin. Code § NHA 4.02(3) in the event his convictions are reversed on appeal.

7. 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 Administrators 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).

2. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct pursuant to Wis. Admin. Code § NHA 5.02(1), by violating in a negligent manner, by an act or acts of omission or commission, or aiding or abetting the violation of any law substantially relating to the practice of nursing home administration.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 456.10(1)(a) and (b).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the license and privilege of Timothy C. Dietzen, N.H.A., (license no. 2990-65) to practice as a nursing home administrator in the state of Wisconsin, and any right to renew said license, is hereby accepted.

in paragraph 3 of this document. Respondent attempted to renew his practical nurse license again in 2021, and the BON again denied renewal based on the aforementioned convictions.

3. In the event Respondent petitions the 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. In the event Respondent petitions the Board for reinstatement of his license to practice nursing home administration in the state of Wisconsin, or applies for another credential with the Department, Respondent shall pay costs in this matter in the amount of \$1,315.00, before any application will be considered.

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

WISCONSIN NURSING HOME ADMINISTRATORS EXAMINING BOARD

By: Susan Kinast-Porter
A Member of the Board

11/11/2021
Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
TIMOTHY C. DIETZEN, N.H.A.,	:	ORDER0007305
RESPONDENT.	:	

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. 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. Respondent is represented by Attorney Jerome F. Buting.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Nursing Home Administrators 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.

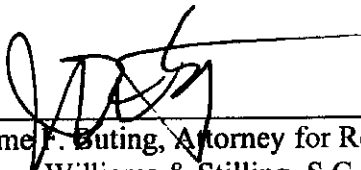
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Timothy C. Dietzen, N.H.A., Respondent
Waupaca, WI 54981
License No. 2990-65

9/9/21
Date



Jerome F. Buting, Attorney for Respondent
Buting, Williams & Stilling, S.C
400 N. Executive Drive, Suite 205
Brookfield, WI 53005

9-14-21
Date



Carley J. Peich Kiesling, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

09/16/2021
Date