

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 DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT W. FISHER, N.H.A.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007307

Division of Legal Services and Compliance Case No. 19 NHA 018

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

Robert W. Fisher, N.H.A.
Franklin, WI 53132

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 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 Robert W. Fisher, N.H.A., (DOB xx-xx-1972), is licensed in the state of Wisconsin as a nursing home administrator, having license number 3548-65, first issued on December 3, 2009, and current through June 30, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Franklin, Wisconsin 53132.

2. At all times relevant to this proceeding, Respondent was employed as a nursing home administrator at a nursing home rehabilitation and care center (Facility) located in Milwaukee, Wisconsin.

3. The Wisconsin Department of Health Services, Office of Caregiver Quality, (DHS) conducted a survey of the Facility that found that Respondent had employed an individual as a social worker from September 25, 2017 through February 13, 2019, who was not certified as a social worker and whom had been convicted of a felony battery offense that would potentially exclude that individual from working as a social worker in Wisconsin.

4. On May 6, 2014, the individual was convicted in Dane County Circuit Court case number 2011CF001456 of one count of Substantial Battery-Intend Bodily Harm, Use of a Dangerous Weapon, a felony, in violation of Wis. Stat. §§ 940.19(2), 939.05, and 939.63(1)(c), and one count of Battery, Party to a Crime, a misdemeanor, in violation of Wis. Stat. §§ 940.19(1) and 939.05.

5. Respondent immediately suspended the individual when DHS brought it to his attention. The individual was terminated from employment on March 2, 2019.

6. Respondent did not review the individual's criminal background and did not verify that the individual was licensed as a social worker prior to hiring him.

7. As of February 13, 2019, the individual's personnel file did not include a "Rehabilitation Review" approval prior to working as a caregiver at a skilled nursing facility as required by Wis. Stat. § 50.065.

8. 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 Administrator Examining 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 engaged in unprofessional conduct as defined by 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. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § NHA 5.02(2) by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a nursing home administrator which harms or could have harmed a patient.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § NHA 5.02(6) by engaging in any practice as a nursing home administrator which constitutes a substantial danger to the health, welfare, or safety of patient or public.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$450.00.
4. 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

Respondent may also submit payment online at: <https://dpsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's license (no. 3548-65), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.
6. This Order is effective on the date of its signing.

WISCONSIN NURSING HOME ADMINISTRATOR EXAMINING BOARD

by: Al Rohmeyer DSPS Chief Legal Counsel, 4-13-21
A Member of the Board Delegate Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ROBERT W. FISHER, N.H.A.,	:	
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 19 NHA 018

Respondent Robert W. Fisher, 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.



Robert W. Fisher, N.H.A., Respondent
Franklin, WI 53132
License no. 3548-65

1-25-2021
Date



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

01/26/2021
Date

