

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DORIS J. DRAIN, N.H.A.,  
LICENSEE.

:  
:  
: FINAL DECISION AND ORDER

**ORDER 0007410**

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Division of Legal Services and Compliance Case No. 17 NHA 034

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

Doris J. Drain, N.H.A.  
Green Bay, WI 54301

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. Doris J. Drain, N.H.A. (Respondent), (Year of Birth 1958), is licensed in the state of Wisconsin as a nursing home administrator, having license number 3146-65, first issued on March 29, 2001, 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 Green Bay, Wisconsin 54301.

2. On April 24, 2017, Respondent began employment as a nursing home administrator at a rehabilitation and care center located in Green Bay, Wisconsin (Center).

3. Resident A (a 64-year-old male) diagnosed with dementia and severe cognitive impairment was admitted to the Center on March 21, 2017. He was placed with a roommate. Resident A had a habit of masturbating in his room, sometimes while standing over his roommate. A care plan was initiated to address this behavior.

4. Resident A continued to leave his room and masturbate in female residents' rooms or near female residents.

5. On July 10, 2017, Department of Health and Human Services (DHS) found the Center had deficient practices which included failing to keep residents free from neglect; failing to implement facility policies prohibiting neglect; failing to immediately report the incidents that occurred; failing to promptly investigate; and failing to put measures in place to ensure resident safety.

6. On August 16, 2017, Respondent was terminated by the Center.

7. Respondent asserts that she has not violated any code or statute related to the practice of nursing home administration. However, Respondent has retired from the practice of nursing home administration and does not wish to engage in a contested disciplinary proceeding. As such Respondent has agreed to surrender her credential and resolve this case by consenting to the entry of the following Conclusions of Law and Order.

#### CONCLUSION OF LAW

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

#### ORDER

1. The attached Stipulation is accepted.

1. The SURRENDER by Respondent of her license to practice as a nursing home administrator in the state of Wisconsin (License No. 3146-65), as well as her right to renew such license, is accepted.

2. In the event Respondent petitions the Board for reinstatement of her license to practice nursing home administration in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1497.00, before any petition or application for a credential will be considered by the applicable board or Department.

3. In the event Respondent petitions the Board for reinstatement as a nursing home administrator, 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 sole discretion of the Board and such decision is not reviewable.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

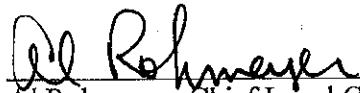
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN NURSING HOME ADMINISTRATORS EXAMINING BOARD

By:



Al Rohmeyer, Chief Legal Counsel on  
Behalf of the Nursing Home Administrator  
Examining Board

6-9-21

Date

STATE OF WISCONSIN  
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DORIS J. DRAIN, N.H.A.,  
RESPONDENT.

STIPULATION

**ORDER 0007410**

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Division of Legal Services and Compliance Case No. 17 NHA 034

Doris J. Drain (Respondent), 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 Pamela M. Floor.

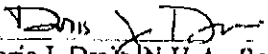
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Nursing Home Administrators Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the 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.

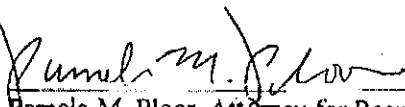
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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 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.

  
Doris J. Draughn, Respondent  
Green Bay, WI 54301  
License No. 3146-65

6-7-21  
Date

  
Pamela M. Ploor, Attorney for Respondent  
Stafford Rosenbaum  
1200 N. Mayfair Road, Suite 430  
Milwaukee, WI 53226

06/07/2021  
Date

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

6/9/21  
Date