

## 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

PAUL W. FISCUS, N.H.A.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007675**

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Division of Legal Services and Compliance Case No. 18 NHA 022

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

Paul W. Fiscus, N.H.A.  
Prairie du Sac, WI 53578

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 Paul W. Fiscus, N.H.A., (DOB XX/XX/1962) is licensed in the state of Wisconsin as a nursing home administrator, having license number 3378-65, first issued on March 17, 2006 and current through June 30, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Prairie du Sac, Wisconsin 53578.

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

3. In May of 2018, the Facility was surveyed by the Department of Health Services (DHS) Centers Division of Quality Assurance (DQA). Following the survey, DHS/DQA issued a Statement of Deficiencies Report which included allegations of noncompliance related to Facility providing safe environment and abuse reporting (F600, F607, F609 and F610) and Administration (F835).

4. In May of 2019, the Facility was surveyed by DHS/DQA and two deficiencies related to food service were noted. On June 27, 2019, DHS/DQA found the Facility's plan of correction in compliance and that all previously cited deficiencies had been corrected.

5. While Respondent disputes the DHS/DQA Statement of Deficiencies Report and further denies inappropriate practice as a nursing home administrator, Respondent consents to the entry of the following Conclusions of Law and Order in resolution of this matter.

#### CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrators 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, Paul W. Fiscus, N.H.A., violated 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.

3. As a result of the above conduct, Paul W. Fiscus, N.H.A., is subject to discipline pursuant to Wis. Stat. § 456.10(1).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Paul W. Fiscus is REPRIMANDED.

3. The nursing home administrator license issued to Paul W. Fiscus, (license no. 3378-65), is LIMITED as follows:

4. Within six (6) months of the date of this Order, Respondent shall at Respondent's own expense take and successfully complete four (4) hours of education on the subject of ethics and/or resident rights and eight (8) hours of education on the subject of protecting residents from sexual harassment and/or sexual abuse as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Respondent must take and pass any exam offered for the course(s).

- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department and may not be used in any future attempt to upgrade a credential.
- d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$733.00.

6. Requests for course approval, proof of successful course completion and payment of costs shall be sent by Respondent 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](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit this information online via the Department's Monitoring Case Management System at

<https://dpsmonitoring.wi.gov>

7. 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

PAUL W. FISCUS, N.H.A.,  
RESPONDENT.

:  
:  
:  
: STIPULATION  
: **ORDER 0007175**

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Division of Legal Services and Compliance Case No. 18 NHA 022

Respondent Paul W. Fiscus, 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 Brian Purtell.
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.

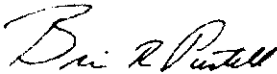
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
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Paul W. Fiscus, N.H.A, Respondent  
Prairie du Sac, WI 53578  
License No. 3378-65

8/5/21  
Date

  
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Brian Purtell, Attorney for Respondent  
DeWitt Ross & Stevens SC  
2 E Mifflin St. Ste 600  
Madison, WI 53703

8/5/2021  
Date

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

8/6/2021  
Date