

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	:	
	:	FINAL DECISION AND ORDER
EMILY A. RADEMACHER, N.H.A.,	:	
RESPONDENT.	:	ORDER 0007897

Division of Legal Services and Compliance Case No. 19 NHA 059

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

Emily A. Rademacher, N.H.A.
Manitowoc, WI 54220-1753

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 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. Emily A. Rademacher, N.H.A. (Respondent), (Year of Birth 1984) is licensed in the state of Wisconsin as a nursing home administrator, having license number 3994-65, first issued on June 18, 2018, 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 Manitowoc, Wisconsin 54220-1753.

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

3. A male resident (Resident A) reported a licensed practical nurse (Nurse B) to Respondent for various allegations of abuse, including failing to timely administer prescribed pain

medications and falsifying Resident A's pain medication administration records. Upon learning of Resident A's complaints to Respondent, Nurse B was alleged to have retaliated against Resident A with verbal abuse, intimidation, and harassment. As a result of Nurse B's actions, Resident A claimed he began to isolate from other residents.

4. In early September 2019, the Department of Health Services, Division of Quality Assurance (DHS) conducted a survey of the residents at Facility. Resident A reported the allegations of abuse and retaliation from Nurse B to DHS.

5. Respondent stated that she had been made aware of a verbal conflict between Resident A and Nurse B, as well as of the allegations regarding Resident A's pain medications. She denied awareness of other allegations by Resident A against Nurse B until informed by the DHS surveyors.

6. DHS investigated and determined Respondent failed to conduct a thorough investigation of Resident A's allegations and did not initiate procedures to prevent further potential abuse of residents. As a result, Respondent was to comply with a Plan of Correction at the Facility.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 practiced in a manner which substantially departed from the standard of care ordinarily exercised by a Nursing Home Administrator which harmed or could have harmed a patient within the meaning of Wis. Admin. Code § NHA 5.02(2).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent (number 3994-65) to practice nursing home administration, is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete two (2) hours of education on the topic of residents' rights and two (2) hours of education on the topic of ethics offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.

- 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. 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The Board 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.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$472.00.
5. 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>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 3994-65), or Respondent's right to renew her 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.
7. This Order is effective on the date of its signing.

WISCONSIN NURSING HOME ADMINISTRATORS EXAMINING BOARD

By: *Debra Lynn Little* Date: 3/17/2022
A Member of the Board

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EMILY A. RADEMACHER, N.H.A.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007897

Division of Legal Services and Compliance Case No. 19 NHA 059

Emily A. Rademacher, N.H.A. (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.

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.

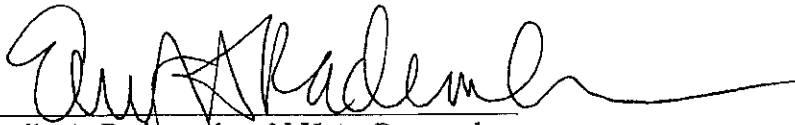
5. If the terms of this Stipulation are not acceptable to the Board the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Emily A. Rademacher, N.H.A., Respondent
Manitowoc, WI 54220-1753
License No. 3994-65

12/02/2021
Date



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

12/2/2021
Date