

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

PAULINE H. DARLING, N.H.A.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007987

Division of Legal Services and Compliance Case No. 21 NHA 049

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

Pauline H. Darling, N.H.A.
Iron River, WI 54847

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. Respondent Pauline H. Darling, N.H.A., (Year of Birth 1964) is licensed in the state of Wisconsin as a nursing home administrator, having license number 3510-65, first issued on April 21, 2009, with registration current through June 30, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Iron River, Wisconsin 54847.

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

3. On August 5, 2021, the Department received a complaint from the Department of Health Services (DHS) alleging that Respondent failed to put sufficient systems in place at the

Facility to protect female residents from the sexual advances of a male resident (Resident M) after the Facility was cited in April 2021 for failing to protect all residents from Resident M's sexual abuse, resulting in another female resident being fondled.

4. In April 2021, DHS issued a Statement of Deficiencies to the Facility after Resident M was found to have fondled three different female residents on December 26, 2020, February 15, 2021, and March 10, 2021, respectively. DHS found the Facility did not implement interventions for Resident M to prevent further sexual abuse from occurring after the first incident.

5. The Facility submitted a Plan of Correction in response that, in part, updated Resident M's care plan, moved Resident M to a different room, and updated staff education on signs of abuse.

6. On May 13, 2021, the Facility reported to DHS that Resident M had inappropriately touched a fourth female resident.

7. On May 24, 2021, DHS conducted a verification visit and extended survey.

8. On June 1, 2021, DHS issued an Immediate Jeopardy Citation to the Facility, effective May 13, 2021, for not monitoring a known male resident perpetrator from seeking out and inappropriately sexually touching vulnerable female residents.

9. The Facility submitted a more comprehensive Plan of Correction in response and requested removal of the Immediate Jeopardy Citation. This Plan put into place, in part, staff education on Resident M's behaviors and interventions with charge nurse education to staff on each shift with sign-off, one-on-one staff observation of Resident M with a 15-minute check and sign-off, a motion sensor on Resident M's door to alert staff when he leaves his room, and redirection of Resident M if he approaches a female resident.

10. DHS removed the Immediate Jeopardy Citation, effective May 25, 2021. On August 4, 2021, DHS notified the Facility that it was in compliance with applicable federal and state requirements, effective June 27, 2021.

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

2. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by practicing 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, pursuant to Wis. Admin. Code § NHA 5.02(2).

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

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 \$644.00.
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. In the event Respondent violates any term of this Order, Respondent's license and registration (number 3510-65), or Respondent's right to renew her license or registration, 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 ADMINISTRATORS EXAMINING BOARD

By: 
A Member of the Board

5/26/2022
Date

STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PAULINE H. DARLING, N.H.A.,
RESPONDENT.

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STIPULATION

ORDER 0007987

Division of Legal Services and Compliance Case No. 21 NHA 049

Respondent Pauline H. Darling, 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 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.

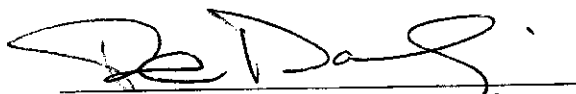
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Pauline H. Darling, N.H.A., Respondent
Iron River, WI 54847
License No. 3510-65

4/18/22
Date



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

4/22/2022
Date