

Tony Evers
Governor

Andrea Palm
Secretary



**State of Wisconsin
Department of Health Services**

DIVISION OF QUALITY ASSURANCE

BUREAU OF ASSISTED LIVING
NORTHWESTERN REGIONAL OFFICE
610 GIBSON ST SUITE 1
EAU CLAIRE WI 54701-3687

Telephone: 715-836-4790
Fax: 608-224-5705
TTY: 711 or 800-947-3529

January 19, 2021

ELECTRONIC MAIL
SOD # DJ2W12

NOTICE and ORDER

NOTICE OF VIOLATION

NOTICE OF LICENSE REVOCATION

ORDER NOT TO ADMIT NEW OR ADDITIONAL RESIDENTS

NOTICE OF SPECIAL ORDERS

NOTICE OF IMPOSED FORFEITURE

NOTICE OF RIGHT TO APPEAL

NOTICE OF REVISIT FEE

Curt Crotty
13663 245th Avenue
Bloomer, WI 54724

Re: Tender Reflections (0015355)
3404 Community Center Drive
Weston, WI 54476

Dear Curt Crotty:

This letter is a statutory NOTICE of VIOLATION and imposed ORDER on the licensee of Tender Reflections (0015355), located at 3404 Community Center Drive in Weston, WI, and sets forth appeal rights, if any. This regulatory action is taken by the Department of Health Services (Department) pursuant to Wis. Stat. § 50.03(5g), and Wis. Admin. Code ch. DHS 83.

NOTICE OF VIOLATION

On December 3, 2020, a complaint investigation, self-report investigation and verification visit was concluded for Tender Reflections by the Division of Quality Assurance, Bureau of Assisted Living, to determine if the above-referenced facility was in substantial compliance with Wis. Stat. ch. 50 or Wis. Admin. Code ch. DHS 83, or both, which set forth requirements for the administration and operation of a community-based residential facility (CBRF). The Department is issuing Statement of Deficiency (SOD) #DJ2W12 for violations of Wis. Stat. ch. 50 or Wis. Admin. Code ch. DHS 83, which establish the grounds for this action. SOD # DJ2W12 is enclosed.

NOTICE OF LICENSE REVOCATION

Based on the results of the Department's investigation, and pursuant to Wis. Stat. § 50.03(5g)(d), and (e), **EFFECTIVE UPON RECEIPT OF THIS NOTICE**, the Department of Health Services hereby **REVOKES THE LICENSE** of Tender Reflections.

This action is being taken under the following statutory provisions:

Wis. Stat. § 50.03(5g)(d)2., whereby the licensee or a person under the supervision of the licensee has substantially violated a provision of licensure applicable to a community-based residential facility under Wis. Stat. § 50.03(4) or an administrative rule promulgated under Wis. Stat. ch. 50, subchapter I; and

Wis. Stat. § 50.03(5g)(d)3., whereby the licensee or a person under the supervision of the licensee has acted in relation to or has created a condition relating to the operation or maintenance of the community-based residential facility that directly threatens the health, safety or welfare of a resident of the community-based residential facility.

Within 3 days of receipt of this notice, return the Community Based Residential Facility license for Tender Reflections, located at 3404 Community Center Drive, Weston, WI 54476 to Northwestern Regional Office, 610 Gibson St., Suite 1, Eau Claire, WI 54701-3687.

ORDER NOT TO ADMIT NEW OR ADDITIONAL RESIDENTS

Based on the results of the Department's investigation, and pursuant to Wis. Stat. § 50.03(5g)(b)7., **EFFECTIVE UPON RECEIPT OF THIS NOTICE and ORDER**, the Department of Health Services **HEREBY ORDERS** that Tender Reflections **NOT ADMIT ANY NEW OR ADDITIONAL RESIDENTS**.

SPECIAL ORDERS

Based on the results of the Department's investigation, and pursuant to Wis. Stat. § 50.03(5g)(b), **EFFECTIVE UPON RECEIPT OF THIS NOTICE and ORDER**, the Department of Health Services **HEREBY ORDERS** that Tender Reflections:

RELOCATION PLAN REQUIRED

1. Pursuant to Wis. Stat. § 50.03(5g)(b)6., the licensee will submit a Resident Relocation Plan to the Department in accordance with Wis. Stat. § 50.03(14) [Closing of a Facility]. In addition, discharge planning for residents will meet the requirements specified by Wis. Admin. Code ch. DHS 83. Refer to the following guidance and requirements:

Resident Relocation Manual:

<https://www.dhs.wisconsin.gov/relocation/relocationmanual.pdf>

Relocation Stress/Syndrome:

<http://longtermcare.wi.gov/docview.asp?docid=21549&locid=123>

Furthermore, within 10 days of receipt of this notice, the licensee will submit the following to Assisted Living Regional Director, Northwestern Regional Office, 610 Gibson St., Suite 1, Eau Claire, WI 54701-3687:

- The names of residents currently living in the CBRF;
- The names, addresses and telephone numbers of residents' legal guardians or an involved family member;
- The names, addresses, and telephone numbers for residents' case managers and funding agencies.

A preliminary discharge plan that includes:

- A timetable for planning and implementation of resident relocations;
- Measures the facility will take to comply with this order and facilitate supportive, safe and orderly relocations for residents.

NOTICE OF FORFEITURE*

In addition to other sanctions enumerated in Wis. Stat. § 50.03(5g)(b)1. to 8., according Stat. § 50.03(5g)(c)1.b., the Department of Health Services may impose a forfeiture on a licensee or any other person who violates the applicable statutory provisions or administrative rules governing CBRFs. If imposed, the forfeiture amount may not be less than \$10 or more than \$1,000 per day for each violation.

The Department has determined that you violated state statutes or administrative code provisions, or both, as identified in the enclosed SOD #DJ2W12. Therefore, pursuant to Wis. Stat. § 50.03(5g)(c), **IT IS HEREBY ORDERED** that a total **FORFEITURE OF \$13,650.00 IS IMPOSED** for the following violations described in SOD # DJ2W12.

<u>TAG</u>	<u>DHS Code</u>	<u>Forfeiture Amount</u>
N165	83.12(4)(c)	\$150
N169	83.12(5)(a)	\$1300
N196	83.14(2)(a)	\$2000
N239	83.20(2)(a)-(d)	\$400
N243	83.21(1)-(3)	\$1000
N247	83.22(1)-(4)	\$1000
N352	83.32(3)(h)	\$1000
N353	83.32(3)(i)	\$500
N358	83.32(3)(n)	\$400

* According to Art. X, §2 of the Wisconsin Constitution and Wis. Stat. § 50.03(5g)(c)1.c., all forfeitures collected by the Department are deposited in the State's School Fund.

N381	83.35(1)(a)	\$300
N389	83.35(3)(d)	\$600
N426	83.38(1)(b)	\$2000
N427	83.38(1)(c)	\$750
N432	83.38(1)(h)	\$600
N433	83.38(1)(i)	\$1500
N441	83.39(3)	\$150

Total Forfeiture Due: \$13,650.00

You must pay the Total Forfeiture amount within ten (10) days of receipt of this NOTICE and ORDER.

REDUCED FORFEITURE OPTION

If you choose not to appeal the forfeiture, any of the violations in SOD # DJ2W12, **AND** any Orders contained in this NOTICE and ORDER, then the Department will reduce the total forfeiture due by 35%.

This 35% reduced forfeiture option also applies to any accruing forfeiture. Final calculation of any accruing forfeiture due will be based on a verified date of compliance.

At this time, the reduced forfeiture amount due to the Department within ten (10) days of receipt of this NOTICE and ORDER is \$8,872.50.

Please make the forfeiture payment payable to “DHS 639” and send it to:

QUALITY ASSURANCE ANALYST
DHS / DQA / BAL
PO BOX 2969
MADISON, WI 53701-2969

NOTICE OF RIGHT TO APPEAL

According to Wis. Stat. §§ 50.03(5g)(b) and (f), you may request an administrative hearing of the Department’s action. To notify the Department of your request for a hearing, your written request **must be filed with (served upon) the Division of Hearings and Appeals (DHA) within ten (10) days after receipt of this NOTICE**. Please note that according to Wis. Admin. Code § HA 1.03(3)(a), materials **mailed** to DHA are **considered filed on the date of the postmark**. Send your request for a hearing to:

CBRF APPEAL
DHA

P.O. BOX 7875
MADISON, WI 53707-7875

Include in your written request for a hearing **ALL** of the following:

- ✓ The name and address of the facility;
- ✓ What you are appealing (attach a copy of this NOTICE to your appeal);
- ✓ The effective date of the action;
- ✓ A concise statement of the reasons for objecting to the action;
- ✓ What type of relief you are seeking; and
- ✓ The name, address and telephone number of any person who may be expected to appear on behalf of the facility

YOUR APPEAL MAY BE DENIED OR DISMISSED IF THE REQUEST IS INCOMPLETE OR NOT FILED WITH DHA WITHIN THE 10-DAY APPEAL TIME.

Please note that according to Wis. Stat. § 50.03(5g)(c)1.c., if you file an appeal, then payment of any forfeiture is due within 10 days after you receive the final decision in the case after exhaustion of administrative review.

NOTICE OF REVISIT FEE

According to Wis. Stat. § 50.03(5g)(cm), if the Department imposes a sanction on, or takes other enforcement action against a community-based residential facility for violation of this subchapter or rules promulgated under it, and the Department subsequently conducts an onsite inspection to review the facility's action to correct the violation(s), the Department may impose a \$200 inspection fee on the community-based residential facility.

On December 2, 2020, a verification visit was concluded at Tender Reflections by the Division of Quality Assurance, Bureau of Assisted Living, to determine if the violation(s) contained in Statement of Deficiency (SOD) # DJ2W11, #NWQY11, #SLYV11, #0O5811, #OI9K11, #7H6111, #OQ3H11, #8L9G11, AND #7XEN13 were corrected. **Therefore, an inspection fee of \$200 is being assessed.**

Please send a check or money order in the amount of \$200 made payable to "Division of Quality Assurance" and send it to:

Division of Quality Assurance
Bureau of Assisted Living
Northwestern Regional Office
610 Gibson St., Suite 1
Eau Claire, WI 54701-3687

The revisit fee is due within ten (10) days of receipt of this Notice. Failure to submit this revisit fee will result in the issuance of a subsequent statement of deficiency with additional enforcement sanctions against Tender Reflections. There are no appeal rights for revisit fees.

POSTING OF NOTICES

According to Wis. Admin. Code DHS §§ 83.13(3)(a) and 83.14(2)(h), each facility shall immediately upon receipt post next to its CBRF license, and in a public area that is visually and physically available, any citation/statement of deficiency, notice of revocation, notice of non-renewal, and any other notice of enforcement action. Citations and statements of deficiency shall remain posted for ninety (90) days following receipt. Notices of revocation, non-renewal, and other notices of enforcement action shall remain posted until a final determination is made.

* * *

If you have questions about this letter, please contact William R. Gardner, Assisted Living Regional Director, at (715) 836-4029.

Sincerely,



Alfred C. Johnson, Assisted Living Director
Bureau of Assisted Living
Division of Quality Assurance

Enclosure
ACJ/cld

cc: Ombudsman, Marathon County
Aging/Disability Resource Center, Marathon County
Marathon County Human Services
Waiver Agencies
Division of Medicaid Services
Disability Rights Wisconsin
WCCEAL Associations