



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary

June 15, 2022

Sent via email: blueders@gmail.com

Dear Mr. Lueders,

The Department of Health Services (DHS) would like to offer an invitation to meet with you. In your email correspondence with the Division of Quality Assurance (DQA) Administrator Otis Woods (on Friday June 3, 2022) you asked about the available avenues for appealing DHS actions as it relates to the complaint investigation at Pro Health Care Regency Senior Community New Berlin. It is my understanding that you were provided with the applicable Wisconsin Statute on appeals (on Thursday June 9, 2022), and I would like to meet with you to ensure that you have the information you need and have requested in your continued advocacy on this issue. The scope of the proposed meeting would be focused on any issue that has not been addressed in our previous correspondence. Please respond letting me know if you are interested in such a meeting, and I can make sure we get a meeting calendared at your convenience. Please let me know if anyone will accompany you to this meeting,

To assist us both in determining what information has been previously provided, I have included the attached sequence of events.

Looking forward to hearing from you.

Thank you,

A handwritten signature in black ink, appearing to read "T.R. Williams".

T.R. Williams, J.D.
Assistant Deputy Secretary

Attachment:
Sequence of Events

Sequence of Events

- 11/1/2021 Bill Lueders files complaint with the Division of Quality Assurance (DQA) regarding Pro Health Care Regency Senior Community New Berlin for failing to readmit a resident after a brief hospitalization due to a fall.
- 11/8/2021 DQA surveyor investigates the complaint filed against Pro Health Care Regency Senior Community New Berlin.
- 2/1/2022 DQA issues Statement of Deficiencies (SOD) indicating that the complaint was substantiated and issued 2 violations of Wis. Admin. Code chapter DHS 89, Resident Care Apartment Complexes (RCAC). DQA also imposed a forfeiture of \$1,500 associated with the violations.
- 2/1/2022 DQA fulfills an open records request for enforcement action taken regarding terminations identified at DHS 89.29 (3) (c) 1.a., (requires the RCAC to provide 30-day advance notice of termination to the tenant or the tenant's representative), cited from January 1, 2019, to the present.
- 2/4/2022 Bill Lueders shares links with DQA regarding his published report based on records that were provided to Bill Lueders by DQA regarding discharge-related enforcement actions involving RCACs. The reports appear in three outlets: The Progressive: <https://progressive.org/latest/breaking-the-law-paying-a-pittance-lueders-220204/>, Wisconsin Examiner: <https://wisconsinexaminer.com/2022/02/04/breaking-the-law-paying-a-pittance-for-unfairly-evicting-the-elderly/> and Ithmus: <https://isthmus.com/news/news/breaking-the-law-paying-a-pittance/>
- 2/8/2022 Pro Health Care Regency Senior Community New Berlin files an appeal of the Statement of Deficiencies and forfeiture assessment.
- 2/9/2022 DQA provides Bill Lueders with the Statement of Deficiencies (SOD) and Notice and Order letter issued to Pro Health Care Regency Senior Community in New Berlin.
- 2/22/2022 DQA sends numerous records to Bill Lueders in response to a request for records related to enforcement action taken regarding terminations cited since January 1, 2019, to the present at Nursing Homes, Facilities Serving People with Developmental Disabilities, Community-Based Residential Facilities and Licensed Adult Family Homes.
- 4/6/2022 Bill Lueders provides a link to another article he published in the <https://progressive.org/magazine/mother-eviction-update-lueders/>
- 4/25/2022 Bill Lueders receives notice from the Division of Hearings and Appeals that states: *Based on additional information provided with the appeal, before the case conference, during the case conference, and after the case conference, the Department agrees to rescind both tags [citations].* Bill Lueders asks for the additional information provided.
- 4/26/2022 DQA provides Bill Lueders with copies of the appeal and exhibits submitted by Pro Health Care Regency Senior Community New Berlin.

- 4/27/2022 Bill Lueders sends email to the DHS Secretary-designee Karen Timberlake providing links to recent op-eds written by Bill Lueders in [The Progressive](#), [Isthmus](#) and the [Wisconsin Examiner](#) regarding DHS decision to rescind the citations it had issued to Pro Health Care Regency Senior Community New Berlin last fall regarding the eviction of a resident.
- 5/19/2022 DQA issues an amended SOD to Pro Health Care Regency Senior Community New Berlin rescinding both deficiencies and stating that the complaint was not substantiated. The associated forfeiture was rescinded.
- 5/19/2022 DQA Administrator Otis Woods sends Bill Lueders a letter in response to concerns about rescinding the deficiencies.
- 5/21/2022 Bill Lueders sends letter to Otis Woods regarding DHS decision to rescind citations.
- 5/27/2022 Bill Lueders provides letter that is published in the *Wisconsin State Journal* asking Governor Evers and/or members of the Legislature to order a probe into the state's dismissal of citations against a regulated senior care facility for unspecified reasons. [https://madison.com/opinion/column/bill-lueders-why-did-state-nix-citations-for-
evicting-97-year-old/article_427188df-1d90-5096-9642-36bb3b8f9343.html](https://madison.com/opinion/column/bill-lueders-why-did-state-nix-citations-for-evicting-97-year-old/article_427188df-1d90-5096-9642-36bb3b8f9343.html)
- 6/1/2022 Bill Lueders sends email to DHS Secretary-designee, DHS staff, media reps, members of the state Legislature, and others alleging DHS replaced original findings with fraudulent documents and refers to his article published in the [Wisconsin Examiner](#) and [Isthmus](#)
- 6/2/2022 Otis Woods responds to Bill Lueders stating that the documents were not fraudulent and explaining that once the deficiencies were rescinded by DQA the initial SOD was removed, and the new SOD was posted, according to DQA's practice that the published SOD accurately reflect the current results of a survey.
- 6/3/2022 Bill Lueders responds indicating that the response is inadequate and asks for available avenues for appealing the actions taken by DHS regarding the complaint filed.
- 6/3/2022 Bill Lueders provides DQA with a letter from the resident's daughter stating that staff at Pro Health Care Regency Senior Community New Berlin lied to the Department regarding the care needed by her mother.