

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
NANETTE M. NEU, R.N., : 93 NUR 006
RESPONDENT :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Nanette M. Neu
2955 South California Street
Milwaukee, WI 53207

Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Nanette M. Neu (D.O.B. 6/30/52) is duly licensed in the state of Wisconsin as a registered nurse (license # 030 0085704). This license was first granted on September 1, 1983.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 2955 South California Street, Milwaukee, WI 53207.
3. At all times relevant to this action Respondent was employed by Laabs Home Health Care Agency, Milwaukee, Wisconsin as a registered nurse. Respondent is currently the Director of nursing for the agency.
4. At all times relevant to this action Respondent was assigned by her employer to provide home health nursing care to N.R., an elderly disabled person.
5. On January 25, 1995, Respondent was convicted in the Milwaukee County Circuit Court Court of violating Wisconsin Statutes section 943.20(1)(b), theft, based upon her conduct during the period November 8, 1991, through July 8, 1992, of using her position as a bailee to divert money from the account of N.R.

*SEE ME OFFICE
about 10/10/95*

Weg position after 2 months

diverted money from home health patient

6. The conduct of Respondent was substantially related to the practice of professional nursing, and emanated directly from her nursing practice.

CONCLUSIONS OF LAW

By the conduct described above, Nanette M. Neu is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (d), and Wis. Adm. Code secs. 7.04(1),(13) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of the Respondent, Nanette M. Neu, shall be SUSPENDED for an INDEFINITE PERIOD of time.

(A) STAY OF SUSPENSION

IT IS FURTHER ORDERED that Respondent may petition the Board at any time after six months from the date of this Order for a stay of the suspension of her licensure. In conjunction with a petition by Respondent, the Board shall require documentation of Respondent's rehabilitation, to wit: 1) certification to the Board of the successful completion of an approved course of training in nursing ethics. An outline of the proposed training shall be filed with the Department Monitor within two months of the date of this Order, and shall contain the name of the institution providing the instruction, the name of the instructor, and the course content; 2) submission to the Board of the report of a psycho-social evaluation of Respondent by a licensed psychiatrist or psychologist which demonstrates the fitness of Respondent to engage in professional nursing; and 3) submission of a report from Respondent's probation officer indicating compliance by Respondent with the terms and conditions of her probation.

Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

i. Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Respondent's practice during the prior three (3) month period.

ii. If the Board denies the petition by Respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

iii. Upon a showing by Respondent of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (B), below, the Board shall grant a petition by Respondent for return of full licensure. The Board may, in its discretion, require that Respondent complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

(B) CONDITIONS OF STAY

MONITORING

Department monitor

1. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

Reporting by respondent

- 2 Respondent shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order.

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

- 3 Respondent shall provide any current or prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of a stay of suspension under this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Respondent shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Respondent's receipt of an order granting a stay.

Respondent shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

Required reporting

- 4 Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. Respondent shall not be the reporting official, and the reporting official shall be an individual deemed qualified by the Board of nursing to appropriately review and evaluate Respondent's nursing performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a schedule as directed by the Department Monitor. An employer shall report immediately to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139] any violation or suspected violation of the Board of Nursing's Final Decision and Order. During the period of Respondent's probation she shall cause quarterly reports to be submitted to the Department monitor from her probation agent evaluating her compliance with the terms and conditions of her probation.
- 5 Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

Practice restrictions

- 6 During the term of this Order Respondent shall not engage in direct home health care of patients, and Respondent shall not engage in any other type of direct patient care except under direct supervision. Respondent shall not assume responsibility for finances of anyone with which she has a nursing relationship.

(C) PETITIONS FOR MODIFICATION OF TERMS

Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(D) SUMMARY SUSPENSION

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

(E) EFFECTIVE DATE OF ORDER

This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Pamela A. Mason, RN/CP
A Member of the Board

7/7/95
Date

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
NANETTE M. NEU, R.N.,	:	93 NUR 006
RESPONDENT	:	

It is hereby stipulated between Nanette M. Neu, personally on her own behalf and her attorney, Michael D. Jackelen, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning Respondent's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Nanette M. Neu
Nanette M. Neu, R.N.

6/22/95
Date

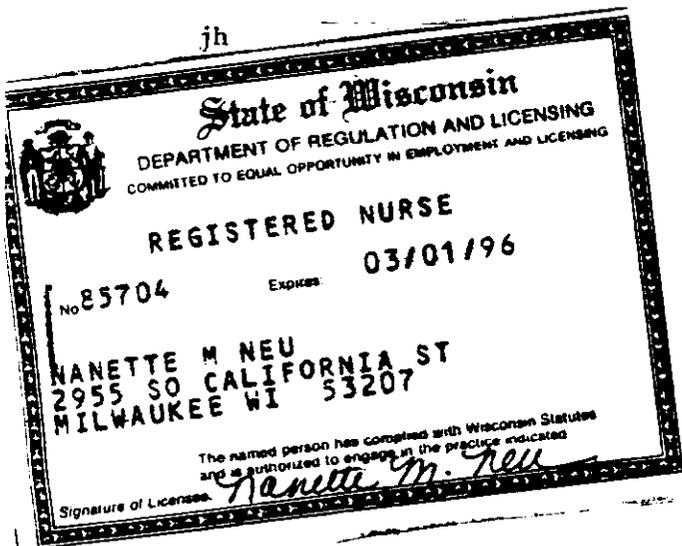
Michael D. Jackelen
Michael D. Jackelen, Attorney for Respondent

6/22/95
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

June 29, 1995
Date

jh



NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JULY 10, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)