

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against
Francine Milan, R.N.,
Respondent.
Case No. 95 NUR 014

FINAL DECISION AND ORDER

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Francine Milan, R.N.
954 North 37th Street, #201
Milwaukee WI 53208

Wisconsin Board of Nursing
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

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

The parties in this matter agree to the attached stipulation as the final decision in this matter. Accordingly, the Board makes the following:

FINDINGS OF FACT

1. Francine Milan, R.N., was born November 6, 1956, and is licensed to practice as a registered nurse in the state of Wisconsin pursuant to license number 94913, first granted on August 22, 1986. Her last address on file with the Department of Regulation and Licensing is 954 North 37th Street, Apartment 201, Milwaukee, Wisconsin 53208.
2. On January 9, 1995, Nurse Milan was doing rounds at the Marian Catholic Home in Milwaukee, where she was employed. She saw that a resident had fallen out of bed, and was sitting on the floor with his arm trapped in the bed rail so that he could not get up. Because of the resident's physical condition, the resident was unable to speak.
3. Nurse Milan did not assist the resident at that time, but left him sitting on the floor, with his arm trapped in the bed rail, while she looked for the person who was coming to provide her transportation after her shift.

4. Nurse Milan did not summon help for the resident or make any other person aware that the resident needed assistance, but joined another nurse doing rounds several rooms away.

5. Eventually, Nurse Milan entered the resident's room with the other nurse with whom Nurse Milan was doing rounds, and at that time provided assistance to the resident.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07, Stats.

2. By failing to provide timely assistance to the resident, Nurse Milan violated s. N7.04(4), Wis. Admin. Code, by neglecting the resident in a manner which could reasonably cause physical pain or injury.

ORDER

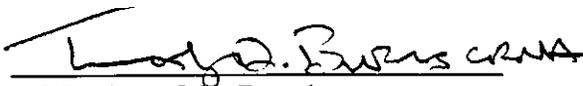
Now, therefore, the license previously issued to Francine Milan, R.N., is LIMITED by the following conditions:

a. Nurse Milan shall successfully complete a course in nursing responsibilities, with particular attention to legal duties and patient safety, including elder abuse and reporting changes in patient status. Nurse Milan shall obtain the approval of the Board for a course before she takes the course.

b. Nurse Milan shall not practice nursing except under the direct supervision of a Registered Nurse approved by the Board of Nursing until she has successfully completed the course described in paragraph a., above, and the Board has issued an Order reinstating the unlimited license to practice nursing. Nurse Milan shall ask the Board, in writing, to reinstate the unlimited license when Nurse Milan believes she has completed the requirements of this Order.

Dated this 12th day of September, 1996.

BOARD OF NURSING


A Member of the Board

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against
Francine Milan, R.N.,
Respondent.
Case No. 95 NUR 014

STIPULATION

It is hereby stipulated between Francine Milan, R.N., personally and on her own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending matter concerning Nurse Milan's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Board of Nursing for its consideration and adoption.
2. In resolution of these proceedings, Nurse Milan consents to the entry of the attached Final Decision and Order.
3. Nurse Milan is aware of and understands each of her rights, including:
 - the right to a hearing on the allegations against her, at which the state would have the burden of proving the 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 own 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,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
 - all other rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Nurse Milan is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.
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. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation

Francine Milan
Francine Milan, R.N.

Aug 30, 1996
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

July 17, 1996
Date

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : AFFIDAVIT OF SERVICE
FRANCINE MILAN, R.N., :
RESPONDENT. :

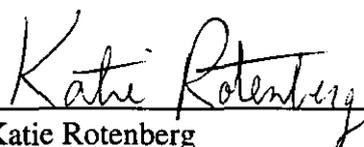
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 16, 1996, she served the following upon the respondent:

Final Decision and Order dated September 12, 1996, LS9604121NUR

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

954 North 37th Street, #201
Milwaukee, WI 53208
Certified P 213 148 290

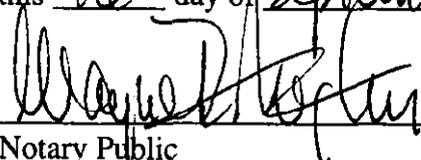
an address which appears in the files and records of the Board of Nursing as the respondent's last known address.



Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 16th day of September, 1996.



Notary Public
Dane County, Wisconsin
My Commission is Permanent

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:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 16, 1996

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.)