

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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CINDY SHEPARD, A.P.N.P.,  
RESPONDENT

FINAL DECISION & ORDER  
Case #LS99051414NUR

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**Division of Enforcement Case # 98 NUR 4**

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

*Cindy Shepard, A.P.N.P.*  
*218 Lilac Lane*  
*Belgium, WI 53004*

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

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

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed Cindy Shepard, A.P.N.P., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Cindy Shepard, 218 Lilac Lane, Belgium, Wisconsin 53004, was born on September 27, 1958, and has been licensed to practice nursing in the state of Wisconsin as a Registered Nurse since September 23, 1982, license # 83220, and since May 1, 1995 as a Advanced Practice Nurse Prescriber, license # 68.
2. Cindy Shepard, A.P.N.P., was employed at Lakeside Gynecology & Infertility, S.C. during the time relevant in this Final Decision and Order.
3. Ms. Shepard went with a friend, G.H., to Lakeside Gynecology & Infertility, S.C. after clinic hours. G.H. was not a patient at Lakeside Gynecology & Infertility, S.C.
4. Ms. Shepard took a health history from G.H., who had symptoms of a non-productive cough and shortness of breath. G.H. had been treated prior by his physician for a bronchial infection.
5. Ms. Shepard dispensed to G.H. a complimentary sample of a five day course of Zithromax. She explained the instructions to him and advised him as to potential side effects.
6. When they arrived at Ms. Shepard's home, she auscultated his lungs, noticing a slight inspiratory wheezing bilaterally in the upper lobes.
7. Ms. Shepard did not maintain any patient record for G.H.

**CONCLUSIONS OF LAW**

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

2. The Board of Nursing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.

3. Ms. Shepard's act of dispensing medication to a friend outside of business hours without an appropriate examination is a violation of § N 7.04(2), Wis. Admin. Code.

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. Ms. Shepard shall, within twelve (12) months of the date of this order, submit documentation acceptable to the Board showing successful completion of twelve hours of continuing education in professional ethics in nursing.

2. Ms. Shepard shall obtain pre-approval of one or more courses from the Board or its designated agent before she takes the course(s) in fulfillment of this requirement. Ms. Shepard bears the cost for the continuing education course(s).

3. Ms. Shepard shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$100 toward the costs of the investigation, pursuant to § 440.22, Stats.

4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

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

IT IS FURTHER ORDERED that the pending investigation, 98 NUR 4, shall be, and hereby is, closed without further proceedings.

IT IS FURTHER ORDERED that pursuant to § 227.51(3), Stats., if the Board of Nursing determines that there is probable cause to believe that Ms. Shepard has violated the terms of this Final Decision and Order of the Board of Nursing, the Board may order that the license of Ms. Shepard to practice nursing in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

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

By:

Timothy D. Burns, CRNA

Member of the Board A

May 14, 1999

Date