

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LAURALEE L. THEAMA, LPN,
RESPONDENT.

FINAL DECISION AND ORDER
LS9906091NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 7th day of January, 2000.

Ann Brewer, RN

**STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**LAURALEE L. THEAMA, LPN,
RESPONDENT.**

**PROPOSED DECISION
Case No. LS-9906091-NUR**

PARTIES

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

*Lauralee L. Theama
2067 Cliff-Alex Ct., South
Unit A-1
Waukesha, WI 53189*

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

This matter was commenced by the filing of a Notice of Hearing and Complaint on June 9, 1999. A hearing was held on July 22, 1999. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Lauralee Theama, appeared at the hearing in person and without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Lauralee L. Theama (d.o.b. 9/8/55) is duly licensed in the state of Wisconsin to practice as a practical nurse (license #16111). This license was first granted on May 25, 1975.

2. Ms. Theama's latest address on file with the Department of Regulation and Licensing is P.O. Box 52, Delafield, WI 53018. At the hearing, Ms. Theama stated that she now resides at 2067 Cliff-Alex Court, South, Unit A-1, Waukesha, WI 53189.

3. On March 20, 1997, the Wisconsin Board of Nursing issued a disciplinary order

which limited Ms. Theama's license to practice as a practical nurse. Several limitations and conditions relating to her scope of practice were imposed including, but not limited to, a requirement that Ms. Theama arrange for quarterly reports to be submitted to the Board from her nursing employer (s) evaluating her work performance. The Board also ordered Ms. Theama to pay \$200.00 in costs within 90 days from the date of the Order.

4. On July 9, 1998, the Wisconsin Board of Nursing issued a disciplinary order which reprimanded Ms. Theama for failure to arrange for the timely submission of quarterly work reports by her nursing employer(s) to the Board and for failure to pay the costs assessed against her, as ordered by the Board in its March 20, 1997, Final Decision and Order.

5. Since the issuance of the Board's July 9, 1998 Final Decision and Order, Ms. Theama has failed to arrange for the submission of quarterly work reports by her nursing employer (s), as required under the Board's March 20, 1997 and July 9, 1998 Final Decision and Order.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07 (1), Stats., and ch. N 7, Wis. Adm. Code.

2. By having engaged in conduct as described in Findings of Fact 5, herein, respondent violated s. 441.07 (1) (b) and (d), Stats., and s. N 7.04 (14) and (15), Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Lauralee L. Theama be, and hereby is, suspended for a period of not less than thirty (30) days.

IT IS FURTHER ORDERED that:

1. Until such time as ordered by the Board, the Orders contained in its Final Decision and Order, dated March 20, 1997 and July 9, 1998, relating to the respondent shall remain in effect.

2. Pursuant to s. 440.22 Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed by a designee of the Board of Nursing.

OPINION

This matter was commenced by the filing of a Notice of Hearing and Complaint on June 9, 1999. A hearing was held on July 22, 1999. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Lauralee Theama, appeared at the hearing in person and without legal counsel.

I. Violations

The evidence presented establishes that Ms. Theama failed to timely arrange for the submission of quarterly work performance evaluation reports to the Board.

Ms. Theama was first granted a license to practice as a licensed practical nurse in Wisconsin in May 1975. In February 1997, Ms. Theama signed a Stipulation in which she admitted that in May 1995, her Wisconsin nursing registration expired and that she did not renew it until March, 1996; that between May 1995 and March 1996, she continued to work as a nurse for Linden Grove Health Care Center in Waukesha, Wisconsin; that in February 1996, she attended a job interview at Waukesha Memorial Hospital and presented an altered licensure card as evidence of current licensure and that she altered her license by changing the expiration date from 1995 to 1997.

On March 20, 1997, based upon the Stipulation signed by Ms. Theama, the Board of Nursing issued a disciplinary order requiring Ms. Theama to comply with certain conditions, including but not limited to, arranging for the submission of quarterly reports to the Board from her nursing employer(s) evaluating her work performance. Ms. Theama was also ordered to pay \$200.00 in cost within 90 days of the date of the Order.

On July 9, 1998, the Wisconsin Board of Nursing issued a disciplinary order which reprimanded Ms. Theama for failure to arrange for the timely submission of quarterly work reports by her nursing employer(s) to the Board and for failure to pay the costs assessed against her, as ordered by the Board in its March 20, 1997, Final Decision and Order. Since the issuance of the Board's July 9, 1998 Order, Ms. Theama has failed to arrange for the submission of quarterly work reports to the Board or its designee, as required under the March 20, 1997 and July 9, 1998 Board Orders.

Under paragraph 3 of the Board's March 20, 1997, Order, the individual designated by the Board as its agent to coordinate compliance with the terms of the Order, including receiving and coordinating all reports and petitions is the Department Monitor, who at that time was Michelle Neverman.

In July, 1998, Ms. Neverman sent a letter to Ms. Theama informing her what she had to submit in order to comply with the Board Orders and gave her the dates by which the reports had to be submitted. Ms. Neverman also provided Ms. Theama with another copy of the Board's July 9, 1998 Order. According to Ms. Neverman, the first report that Ms. Theama was required to submit following the Board's July 9, 1998 Order was due October 1, 1998.

Ms. Neverman testified at the hearing that on October 7, 1998, she sent a letter to Ms. Theama informing her that the report due on October 1, 1998 had not been received. The letter that Ms. Neverman sent to Ms. Theama was returned to her because of a problem with Ms. Theama's mailing address. Ms. Neverman then telephoned Ms. Theama regarding the report. She said that during the telephone contact, Ms. Theama told her that she was employed as a nurse; that she would be leaving that position soon and that her supervision, Kathy Hoffman, would be faxing the report to her (Michelle). Ms. Neverman testified that she never received the October report.

Ms. Theama testified at the hearing that from July 1998 to November 1998, she was employed as a nurse at Marquardt Memorial Manor. She said that Kathy Hoffman, her supervision at Marquardt, told her that she would fax the report to Michelle Neverman.

Ms. Theama said that she left Marquardt because of health reasons. She said that she had some damage to her heart. In December 1998, Ms. Theama worked as a nurse for about a month at Hannah Home Health Care located in Minocqua. She said that an individual employed at Hannah Home Health Care had agreed to submit a report for January to the Board of Nursing but did not do so because the owner of the business said that she had only known Ms. Theama for a month. Ms. Theama said she left Hannah Home Health Care because she was not able to handle the physical aspects of the job. She said that since that time she has been working three days a week for an answering service. She said that she did not file a report in April because she was not employed as a

nurse. Finally, Ms. Theama testified that her health has improved and that her physician and cardiologist have given her clearance to return to work. Sometime prior to the hearing, Ms. Theama was offered a position as a nurse with the Waukesha County jail. She said that position would not involve lifting or physical work and that the County had agreed to submit work reports to the Board. She indicated that she was scheduled to start work at the County jail on July 26, 1999.

II. Discipline

The evidence presented in this case establishes that the Ms. Theama violated s. 441.07 (1) (b) and (d), Stats., and s. N 7.04 (14) and (15), Wis. Adm. Code. Having found that Ms. Theama violated laws governing the practice of nursing in Wisconsin, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

The Board of Nursing is authorized under s. 441.07 (1), Stats., to reprimand a licensed practical nurse or limit, suspend or revoke the license of a licensed practical nurse if it finds that the individual has violated ch. 441, Stats., or any rule adopted by the Board under the statutes.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1969).

The Complainant recommends that Ms. Theama's license be suspended indefinitely until the Board receives evidence that Ms. Theama is willing to comply with the Board's Orders. Ms. Theama recommends that no action be taken regarding her license so that she can continue with her employment at the County jail.

The Administrative Law Judge recommends that Ms. Theama's license be suspended for a period of not less than thirty (30) days and that the limitations placed upon her license in the Board's previous Orders remain in effect. This measure is designed primarily to assure protection of the public and to deter other licensee from engaging in similar misconduct.

Ms. Theama testified that the reason that she did not comply with the Board Orders is that her supervisors failed to or were unwilling to submit reports to the Board. However, Ms. Theama never informed Ms. Neverman of that fact and she never requested an extension of time to comply with the Board Orders. She simply ignored the matter. It is recommended that Ms. Theama's license be suspended primarily to put other licensees on notice that complying with a Board Order is mandatory, not optional. A licensee who, for whatever reason, is unable to comply with a Board Order should notify the Board at the earliest opportunity.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 5th day of November, 1999

Respectfully submitted,

Ruby Jefferson-Moore

Administrative Law Judge