

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 FINAL DECISION
PROCEEDINGS AGAINST AND ORDER

PATRICIA D. BEHRENDT, RN
RESPONDENT

FINAL DECISION
AND ORDER
LS0003021NUR

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 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 19th day of May, 2000

Ann Brewer, RN

A Member of the Board

STATE OF WISCONSIN

BEFORE THE BOARD OF NURSING

:

IN THE MATTER OF :

DISCIPLINARY PROCEEDINGS : PROPOSED DECISION : AND ORDER

PATRICIA D. BEHRENDT, RN :

: Case No. LS 0003021 NUR

RESPONDENT. :

:

PARTIES

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

Patricia D. Behrendt, RN

1523 A, South 6th Christy L. Biersteker, R.N.Street

Milwaukee, WI 53204

Attorney John R. Zwieg Steven M. Gloe

Division of Enforcement

P. O. Box 8935

Department of Regulation & Licensing

Madison, WI 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on April 6, 2000, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney Steven M. Gloe. The respondent, Patricia D. Behrendt, appeared and represented herself pro se.

Based on the entire record of this case, the undersigned 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. The respondent, Patricia D. Behrendt, (D.O.B. 12/31/47) is licensed as a registered nurse in Wisconsin (license #58293).

2. The respondent's most recent address on file with the Wisconsin Board of Nursing is 1523 South 6th Street, Milwaukee, WI 53204-2847. The respondent resides in unit 1523A.

3. At the time of the events complained of the respondent was working as a licensed registered nurse at Muskeg Nursing Home, S77 W18690 Janesville Road, Muskego, Wisconsin.

4. On March 12, 1999, the respondent failed to replace the oxygen tank for a patient, a male resident with an order for continuous oxygen. The resident's oxygen supply tank ran out at approximately 4:30 a.m. and the respondent failed to replace the tank.

5. The respondent went off shift at 7:00 a.m. and reported to the next shift that the resident needed a new oxygen tank.

CONCLUSIONS OF LAW

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

2. The conduct described in the Findings of Fact constitutes unprofessional conduct within the meaning of s. 441.07(1) (d), Stats., and Wis. Adm. Code section N 7.04 (4).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the respondent shall be required to comply with the following discipline:

a. Take and satisfactorily complete an education program in patient care, which shall first be approved by the board, and provide proof sufficient to the board that she has done so.

b. Requests for approval of an educational program, and proof of satisfactory completion of an approved educational program required by this order shall be mailed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

IT IS FURTHER ORDERED; that the educational program required by this order shall be completed within six (6) months from the effective date of this order. Failure to comply with this order shall be considered a violation of Wis. Adm. Code N 7.04 (14), and shall be grounds for further disciplinary action before the board.

IT IS FURTHER ORDERED that no costs of this proceeding shall be assessed against the respondent, based upon the recommendation of the complainant's attorney.

OPINION

The respondent admits to the facts which form the basis of this complaint. She is to be commended for her forthrightness and candor in accepting responsibility for her actions. The failure to follow a physician's order for treatment, unless the order is inappropriate, constitutes a breach of a nurse's duty to provide professional care to a patient. Such a breach of duty cannot be taken lightly.

While the respondent has taken responsibility for her actions, the board is directed to review the documentary evidence and hearing transcript in this matter for possible further investigation.

The respondent, through her candor and based upon her testimony, is a credible witness.

The final issue here is the appropriate discipline for the respondent keeping in mind the nature of the charges and the pattern and practice of her activities leading to this proceeding. Education of the respondent has been recommended. It is well established that the objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*. 41 Wis. 2d 481, 485 (1969).

In mitigation, the respondent is generally recounted as a good and caring nurse. She had also been the victim of domestic abuse previous to this incident. She admits that on March 12, 1999, she was not capable of performing her duties adequately because of her physical condition arising from that abuse. She has taken responsibility for her actions, and fortunately, no patient harm resulted from those actions. The discipline recommended is appropriate here.

Dated at Madison, Wisconsin, this April 13, 2000.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION & LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, Wisconsin 53708

Telephone: (608) 266-1790

FAX: (608) 267-0644

William Anderson Black

Administrative Law Judge