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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

LINDA LEE SLATER, R.N.,

FINAL DECISION AND ORDER

RESPONDENT

LS0008021NUR

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 4th day of January, 2001.

Ann Brewer

A Member of the Board

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

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

LINDA LEE SLATER, R.N.,

PROPOSED DECISION

RESPONDENT

LS0008021NUR

PARTIES

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

Linda Lee Slater

1936 International Avenue
Orange, Texas 77632-1406

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

This matter was commenced by the filing of a Notice of Hearing on August 3, 2000. A hearing was held in the above-captioned matter on September 20, 2000. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Linda Lee Slater, did not file an Answer to the Complaint and did not appear at the hearing held in this matter.

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. Linda Lee Slater (d.o.b., 07/05/47), is licensed as a registered nurse in the State of Wisconsin. This license, #71725, was first granted on September 29, 1978.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1936 International Avenue, Orange, Texas 77632-1406.
3. On or about April 29, 1997, the Texas Board of Nurse Examiners issued an Agreed Order in which it concluded that the evidence was sufficient to prove that Ms. Slater violated various provisions of Texas law. The Board reprimand Ms. Slater, ordered her to complete course work in nursing documentation, nursing jurisprudence and medication administration and imposed limitations on her license to practice professional nursing in Texas.
4. In its April 29, 1997 Order, the Texas Board of Nurse Examiners made the following findings of fact:
 1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
 2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this order.
 3. Respondent is currently licensed to practice professional nursing in Texas.
 4. Respondent received an Associate Degree in Nursing from the University of Wisconsin-Whitewater, Whitewater, Wisconsin, in June of 1978.
 5. Respondent's professional employment history includes:

1978-8/91	Unknown
8/91 - 2/93	Staff Nurse Wisconsin Department of Corrections Oregon, Wisconsin
2/93 - 9/93	Staff Nurse Abilene Regional Medical Center Abilene, Texas
9/93 - 8/94	Staff Nurse, Baptist Hospital Orange, Texas
9/94 - present	Agency Nurse, Medforce Beaumont, Texas

6. Respondent was employed as a Staff Nurse with Baptist Hospital, Orange, Texas, and had been in this position for six (6) months at the time of the first incident noted in Findings of Fact Number 7.

7. On or about March 22, 1994, while employed with the aforementioned facility, Respondent failed to administer Coumadin in accordance with the physician's order. The physician's order read to hold the Coumadin if "PT>17". The patient's PT was 22.7 and the dose was given. Respondent's conduct could have caused the patient to hemorrhage due to the excessive level of Coumadin.

8. On or about March 29, 1994, while employed with the aforementioned facility, Respondent transcribed a "DNR" order on a physician's order sheet without the physician's signature. Respondent's conduct could have caused subsequent caregivers to rely on physicians' orders that were invalid.

9. On or about April 5, 1994, while employed with the aforementioned facility, Respondent failed to administer IV fluids to patient #000032382 in accordance with physician's orders. The order read ""D5 1/2NS" and respondent administered " 1/2NS". Respondent's conduct could caused the patient to experience an electrolyte imbalance.

10. On or about June 20, 1994, while employed with the aforementioned facility, Respondent failed to administer two (2) units of packed cells to patient #100041664 per physician's order to a patient admitted to the facility with a history of sickle cell anemia. Respondent waited until 6 am the following day to request type and crossmatch to be done. Respondent's conduct resulted in a delay before the patient received the ordered blood, and extended the time in which the patient suffered pain.

11. On or about March 6, 1996, Respondent's license to practice professional nursing was issued a reprimand by the Board of Nursing for the State of Wisconsin, Madison, Wisconsin. A copy of the order is attached and incorporated by reference as part of this order.

5. On or about October 28, 1999, the Texas Board of Nurse Examiners issued an Order in which it revoked the license issued to Ms. Slater to practice professional nursing in Texas. The Board concluded that Ms. Slater violated numerous provisions of Texas law.

6. In its October 28, 1999 Order, the Texas Board of Nurse Examiners adopted the findings of fact recommended by the Administrative Law Judge that included, but are not limited to, the following:

- a. Respondent did not appear and was not represented at the hearing.
- b. The Staff filed a motion for default judgment.
- c. The formal charges, which were set forth in the notice of hearing, contained the following allegations:

Charge I.

Respondent, on or about August 21, 1998, while employed with People's Nursing Center, Vidor, Texas, provided false information to the Board of Nurse Examiners in that she submitted a falsified Nursing Performance Evaluation which included the forged signature of her evaluator. Respondent's conduct was likely to deceive the public.

Charge II.

Respondent, on or about November 5, 1998, while employed with People's Nursing Center Vidor, Texas, provided false information to the Board of Nurse Examiners in that she submitted a false Verification of Course Completion which included a forged signature. Respondent's conduct was likely to deceive the public.

Charge III.

While employed with People's Nursing Center Vidor, Texas, Respondent failed to comply with the Agreed Order issued to her on April 29, 1997, by the Board of Nurse Examiners for the State of Texas, a copy of which is attached to and incorporated as part of the pleading. Respondent failed to comply with Stipulation #4 of the Order regarding completion of a course in Medication Administration which was due April 29, 1998. Stipulation #4 of the Agreed Order issued on April 29, 1997, states, in pertinent part:

RESPONDENT SHALL, within one (1) year of entry of this order, successfully complete a course in Medication Administration

RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course.

Charge IV.

While employed with People's Nursing Center Vidor, Texas, Respondent failed to comply with the Agreed Order issued to her on April 29, 1997, by the Board of Nurse Examiners for the State of Texas, a copy of which is attached to and incorporated as part of the pleading. Respondent failed to comply with Stipulation #8 of the Order regarding submission of a Nursing Performance Evaluation which was due on July 30, 1998. Stipulation #8 of the Agreed Order issued on April 29, 1997, states that:

RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT'S capability to practice professional nursing. These reports shall be completed by the registered nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

7. Respondent did not file an Answer to the Complaint filed in this matter and did not appear at the hearing held in this matter.

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 3-6 herein, respondent violated s. 441.07 (1) (c) and (d), Stats., and ss. N 7.03 and N 7.04 ,Wis. Adm. Code.
3. By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license (#71725) of Linda Lee Slater to practice as a registered nurse in the State of Wisconsin be, and hereby is, REVOKED.

IT IS FURTHER ORDERED that 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 a representative of the Board signs it.

OPINION

The complainant alleges in its Complaint that, by engaging in the conduct described therein, Ms. Slater violated numerous provisions set forth in ch. 441, Stats., and ch. N 7, Wis. Adm. Code.

I. Violations

By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, Ms. Slater is in default under s. RL 2.14, Code. Therefore, the Board of Nursing may make findings and enter an order on the basis of the Complaint and other evidence.

Based upon the Orders issued by the Texas Board of Nurse Examiners, as described in the Findings of Fact 3-6 herein, Ms. Slater violated numerous Wisconsin laws relating to the practice of professional nursing.

II. Discipline

Having found that Ms. Slater violated laws governing the practice of professional 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 registered nurses or limit, suspend or revoke the licenses of registered nurses if it finds that the licensees have 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. Slater's license be revoked. The Administrative Law Judge also recommends that Ms. Slater's license be revoked. This measure is designed to provide protection to the public and to deter other licensees from engaging in similar misconduct.

The evidence presented establishes that Ms. Slater is not capable of practicing as a registered nurse in a manner that safeguards the interest of the public. She was reprimanded by the Wisconsin Board of Nursing in 1996 and the Texas Board of Nurse Examiners in 1997. In addition, in its 1997 Order, the Texas Board of Nurse Examiners ordered Ms. Slater to complete educational course work and to practice under supervision for two years. Ms. Slater was provided with an opportunity to continue practicing professional nurse but forfeited it by submitting false reports to the Texas Board of Nurse Examiners. Revocation of her license is the only viable measure available to the Wisconsin Board of Nursing to assure protection of the public.

Based upon the record herein, the Administrative Law Judge recommends that the Wisconsin 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 20th day of November 2000.

Respectfully submitted,

Ruby Jefferson-Moore

Administrative Law Judge