

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:

DAWN M. GEORGE-PETERKE, RN,
RESPONDENT

FINAL DECISION AND ORDER
LS0104122NUR

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 9th day of July, 2001.

Ann Brewer
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS

DAWN M. GEORGE-PETERKE, RN
RESPONDENT

PROPOSED DECISION AND ORDER
LS0104122NUR

PARTIES

Dawn M. George-Peterke
N198 W21700 Main #297
Jackson, WI 53037

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 May 17, 2001, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney Steven M. Gloe. The respondent, Dawn M. George-Peterke, appeared. At the hearing the respondent indicated that she had sent a letter response to the complaint to the undersigned administrative law judge, and Steven M. Gloe. Mr. Gloe indicated that he had not received any letter response. No letter response was received and filed by the administrative law judge prior to the hearing either. The respondent further indicated that she would provide a copy of the letter response after the hearing. As of the writing of this proposed decision, no further written communication has been received from the respondent.

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. Dawn M. George-Peterke (D.O.B. 12/10/60) is duly licensed as a registered nurse in the state of Wisconsin (license #85397). This license was first granted on 09/01/83.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is N198W21700 Main #297, Jackson, Wisconsin, 53037.
3. On November 21, 2000, Respondent was found guilty of two [2] counts of violation of Wis. Stat. § 943.20(1)(a). [Theft of movable property]. This conviction was based upon allegations of theft and uttering of checks belonging to a resident of Hartford Care Center, 1202 East Sumner Street, Hartford, Wisconsin. Respondent was a caregiver to this resident.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to Wis. Stat. § 441.07.
2. The conduct described in the Findings of Fact constitutes unprofessional conduct within the meaning of Wis. Stat. § 441.07(1)(d), and Wis. Admin. Code §§ N 7.04 (1), (12) and (15).
3. The Findings of Fact above constitute an agency finding of misappropriation within the meaning of Wis. Stat. § 50.065 (4m) (b) 3.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The respondent's license for the practice of nursing in Wisconsin is INDEFINITELY SUSPENDED.
2. The respondent may petition the board for modification or termination of the indefinite suspension of respondent's license. Upon review of the petition, the board in its discretion may grant or denying the petition in whole or in part or further modify this order upon terms and conditions which in the board's exercise of discretion it deems necessary and reasonable to protect the public health, safety and welfare. Any such petition shall be accompanied by the following:
 - a. Evidence to the board of having successfully completed a rehabilitation review process with the department of health and family services pursuant to Wis. Stat. § 50.065 (5).
 - b. A written recommendation from respondent's psychologist, psychiatrist, AODA counselor or other mental health care provider expressly supporting the specific petition request sought.

3. Denial of the petition in whole or in part shall be in the sole discretion of the board and not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and the respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of any such petition.

4. The costs of this proceeding shall not be assessed against the respondent.

OPINION

The respondent appeared at the hearing and was forthright under oath, admitting the complained of conduct. A certified judgement of conviction was also admitted into evidence. The respondent accepted responsibility for her actions, and by way of mitigation offered evidence of debilitating personal difficulties, which she claims contributed to her misdeeds. She has undergone counseling for her personal problems and claims to be on the road to recovery. Misappropriation from patients is a serious matter in the nursing profession because nurses hold a special position of care to those in need. The respondent acknowledges that she did wrong, and asks for the opportunity to earn back the trust and confidence of her profession. The state agrees that she should be given that chance and no compelling reason was advanced to otherwise preclude the opportunity.

The final issue here is the appropriate discipline for the respondent, keeping in mind the nature of the charges. 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). The order has been structured to include safeguards requiring clear and convincing evidence of rehabilitation. The rehabilitation procedure of Wis. Stat. § 50.065 (5), was designed specifically to meet this goal of public protection. Further, the requirement of a favorable report by a mental health provider on the respondent's behalf will provide an additional safeguard.

Dated at Madison, Wisconsin, this 5th day of June, 2001.

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