

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 :
: FINAL DECISION AND ORDER
TRUDY J. McCLINTOCK, R.N., :
RESPONDENT. : LS0609149NUR

Division of Enforcement Case # 04 NUR 196

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

Trudy J. McClintock, R.N.
P.O. Box 52
201 Wisconsin N
Frederic, WI 54837

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Trudy J. McClintock, R.N., (DOB 03/07/1950) is duly licensed as a registered nurse in the State of Wisconsin (license # 30-114741). This license was first granted on October 12, 1993.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is P.O. Box 52, 201 Wisconsin N, Frederic, Wisconsin, 54837.
3. At all times relevant to this incident, Respondent worked as a registered nurse at Capeside Cove Nursing Home in Siren, Wisconsin.
4. On or about November 23, 2003, resident E.R., an eighty-four year old woman with dementia and a hip fracture, was sexually assaulted by a non-resident visitor. A certified nursing assistant went into E.R.'s room where the

privacy curtain was partially pulled around the bed. She heard E.R. call out, "You dirty devil, get out of here!" The C.N.A. saw E.R.'s brother-in-law standing over her bed. E.R.'s dress was pulled up and the brother-in-law had both of his hands between her legs. The brother-in-law rushed out of the room. When the C.N.A. asked E.R. what happened, she said "He was messing with me." When asked what she meant, she said, "you know, he was messing with me down there."

5. The C.N.A. reported what she had seen and heard to an L.P.N., who in turn reported it to Respondent.

6. Respondent appropriately instructed the L.P.N. to make sure the brother-in-law did not have further access to resident E.R., and to document the incident with a written statement and an incident report. However, she did not assess the resident, did not inform the physician, and did not follow up with law enforcement.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 6 above constitutes a violation of Wisconsin Administrative Code §§ N 6.03(1) and N 6.05 and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(b).

ORDER

IT IS ORDERED :

1. Trudy J. McClintock, R.N. is hereby REPRIMANDED.

2. Within ninety (90) days of the date of this Order, Respondent must submit proof of completion of a pre-approved six (6) hour continuing education course in recognizing and responding to sexual abuse. Respondent is responsible for the costs of this course, and for locating the course and submitting the course syllabus to the board for approval in a timely manner.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Five Hundred and Ninety Dollars (\$590.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (# 30-114741) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Board of Nursing

By: Marilyn Kaufman

A Member of the Board

9/14/06

Date

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
TRUDY J. McCLINTOCK, R.N., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 04 NUR 196

Trudy J. McClintock, R.N., personally on her own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 04 NUR 196). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Trudy J. McClintock, R.N.
P.O. Box 52
201 Wisconsin N
Frederic, WI 54837

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date