

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
MARY E. HUMPHREY, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0802131NUR
 :

Division of Enforcement Case # 07 NUR 173

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

Mary E. Humphrey, R.N.
4969 N. 74th Street
Milwaukee, WI 53218

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board of Nursing on February 13, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Mary E. Humphrey, R.N., (DOB 05/29/1959) is duly licensed as a registered nurse in the State of Wisconsin (license # 30-115636). This license was first granted on March 25, 1994.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 4969 N. 74th Street, Milwaukee, Wisconsin, 53218.
3. At all relevant times, Respondent was working as a registered nurse at Mary Jude Nursing Home.
4. On or about February 23, 2007, patient V.F. experienced a severe drop in blood pressure, an erratic pulse, was unresponsive, had some mottling around her feet and ankles, and her skin was slightly cool to the touch. She also had a large stool with indications of blood.
5. Respondent assessed patient V.F. and took her vital signs. She left the room, but did not contact the

physician.

6. Sometime later, Respondent reassessed patient V.F. and determined there was no pulse, blood pressure or respirations. At this time a physician was contacted and notified of the patient's death.

7. The facts are disputed as to the amount of time that passed between Respondent's assessment of the patient and her return. Although it was alleged that forty minutes had passed, other evidence indicates only eleven minutes passed.

8. Patient V.F. was responsible for herself and had a full-code status.

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 paragraphs 4 - 8 above constitutes a violation of Wisconsin Administrative Code § N 6.03(1) and N 7.04(15) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Mary E. Humphrey, R.N. is REPRIMANDED.

2. The license of Mary E. Humphrey, R.N. to practice as a nurse in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nursing Compact, is LIMITED as follows:

- (a) Within ninety days of the date of this order, Respondent shall provide satisfactory proof of completion of six (6) hours of continuing education in nursing assessments, physician orders, and decision-making. Courses taken in satisfaction of this requirement must be pre-approved by the Board.
- (b) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- (c) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

3. Pursuant to Uniform Nursing Licensure Compact Regulation No. 3, Respondent's nursing practice is limited to Wisconsin during the pendency of this Order and any subsequent related orders. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and of the regulatory board in the state in which Respondent proposes to practice.

4. After two years, Respondent may petition the Board for modifications to these limitations. The Board may require a personal appearance by Respondent, in its discretion. The Board may grant or deny Respondent's petition in its discretion. If Respondent is dissatisfied with the Board's decision she may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. Requesting a hearing does not stay the Board's decision on the petition during the pendency of the hearing process.

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Five Hundred Dollars (\$500.00). 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

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, or fails to comply with the ordered continuing education, the Respondent's license (# 30-115636) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

7/24/08

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
MARY E. HUMPHREY, R.N., :
RESPONDENT. :

STIPULATION
LS# 0802131NUR

Division of Enforcement Case # 07 NUR 173

Mary E. Humphrey, 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 # 07 NUR 173). Respondent consents to the resolution of this investigation by stipulation.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Respondent understands that if she fails to fully and completely comply with all terms and conditions set forth in the attached order, or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor

shall without further notice or hearing notify the Wisconsin Department of Health and Family Services.

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

Mary E. Humphrey, R.N.
4969 N. 74th Street
Milwaukee, WI 53218

Date

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

Date