

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
LAUREL CONFORTI, R.N., : LS0805013NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 339]

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

Laurel Conforti, R.N.
6935 70th Court #304
Kenosha, WI 53142

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Laurel Conforti, R.N., Respondent, date of birth March 4, 1953, is licensed by the Wisconsin Board of Nursing as a registered nurse (RN) in the state of Wisconsin pursuant to license number 89030, which was first granted August 21, 1984.

2. Respondent's address of record with the Department of Regulation and Licensing is 6935 70th Court #304, Kenosha, WI 53142.

3. On all dates relevant to this matter, Respondent was employed as a registered nurse at St. Joseph's Adult Day Care in Kenosha, Wisconsin. St. Joseph's is open daily from 8:00 a.m. to 5:00 p.m. Respondent was typically scheduled to work two days per week.

4. At 3:30 p.m. on September 25, 2007, a narcotic count was taken by the Adult Day Care Director and another registered nurse. At that time, all narcotic medications were accounted for.

5. Respondent was the nurse on duty on September 26, 2007 and was scheduled to work six consecutive days to cover for another nurse who was on vacation.

6. At 9:30 a.m. on September 27, 2007, the Adult Day Care Director and another registered nurse conducted a narcotic count and discovered that two Darvocet tablets were missing. Darvocet contains propoxyphene which is a narcotic analgesic and Schedule IV controlled substance.

7. At 7:00 a.m. on September 28, 2007, a narcotic count was taken by the Adult Day Care Director and the RN

Administrator prior to Respondent's arrival at work. A video surveillance camera monitored the medication cart.

8. Administrators performed another narcotic count at 2:15 p.m., while Respondent was on her lunch break. It was noted that an additional two Darvocet tablets were missing. Administrative staff reviewed the video surveillance tape, which showed no person other than Respondent accessing the medication cart.

9. Administrators confronted Respondent, who admitted taking the medication for her own use. She explained that she was in pain due to a herniated disk and did not yet have health insurance. She said she was overwhelmed with the prospect of working six days, and that she experienced spasms after moving a heavy client. Respondent's employment was immediately terminated.

10. On February 5, 2008, at the request of the Division of Enforcement, Respondent had an AODA assessment performed at Oakwood Clinical Associates, Ltd., in Kenosha, Wisconsin. The assessor:

- a. Opined that Respondent recognized the seriousness of her actions and expressed feelings of guilt and shame.
- b. Concluded that Respondent does not meet the criteria for a substance related diagnosis; rather, she had an Adjustment Disorder, or possible Dysthymic Disorder.
- c. Recommended that Respondent be permitted to maintain her nursing license and recommended that she be monitored with random drug screens.

11. Respondent indicates she has adapted her lifestyle to help reduce the impact of pain in her work day.

12. Respondent has not worked as a registered nurse since she was terminated from her employment at St. Joseph's Adult Day Care.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out in Count I above, has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Laurel Conforti, R.N., is hereby REPRIMANDED for the above conduct.
2. Respondent's license is LIMITED as follows:
 - a. Within 180 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of six (6) hours of continuing education in the area of nursing ethics, which course(s) shall first be approved by the Board, or its designee.
 - b. Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the education, the Board shall issue an Order removing this limitation of Respondent's license.
3. For two (2) years following the date of this Order, Respondent's license is further LIMITED as follows:
 - a. 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.
 - b. Respondent shall arrange for written reports from supervisors to be provided to the Department

Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.

c. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Admin. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.

d. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

(1) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.

(2) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

e. The Approved Program shall require the testing of urine specimens at a frequency of not less than 6 times per year, for the first year of this Order. After the first year, Respondent may petition the Board for reduced frequency, which may be granted or denied by the Board or its designee.

f. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

g. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen with a direct witness.

h. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.

i. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Admin. Code § RL 7.11.

4. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$645.00 pursuant to Wis. Stat. § 440.22(2).

5. Payment, requests, and required proofs shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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 timely pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license 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.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

5/1/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
LAUREL CONFORTI, R.N., : LS _____ NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 339]

It is hereby stipulated and agreed, by and between Laurel Conforti, R.N., Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 07 NUR 339). 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 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. 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 the 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 ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 case 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.

Laurel Conforti, R.N.
Respondent
6935 70th Court #304
Kenosha, WI 53142

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date