

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
THOMAS W. WADE, R.N., :  
RESPONDENT. : LS08090412NUR

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[Division of Enforcement Case No. 06 NUR 405]

Thomas W. Wade, R.N.  
3950 Mathey Road  
Sturgeon Bay, WI 54235

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

Wisconsin Board of Nursing  
Department of Regulation and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Thomas W. Wade, R.N., Respondent, date of birth June 24, 1956, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 126243, which was first granted June 2, 1997.
2. Respondent's address of record with the Department of Regulation and Licensing is 3950 Mathey Road, Sturgeon Bay, WI 54235.
3. At the time of the events set out below, Respondent was the administrator of Cornerstone of Sturgeon Bay LLC, a Community Based Residential Facility (CBRF) in Sturgeon Bay, Wisconsin ("Cornerstone").
4. Resident MJ is a social security recipient, and under the supervision of a community program which was responsible for assisting Resident MJ with her finances. On September 27, 2006, a community programs worker learned that Respondent had opened a savings account on behalf of MJ. The community programs worker believed the account was opened without the knowledge of, or permission from, community programs staff.
5. Records of Resident MJ's savings account indicated that a \$400 deposit was made on August 14, 2006; \$244 was deposited on September 1, 2006; and \$260 was deposited on September 25, 2006.
6. Respondent explains that he helped MJ open a savings account after he learned that state regulations prohibited CBRF's from retaining so much cash for residents, and he felt the money would be safer in the bank.

Respondent reports that an individual at community programs had approved the account. Respondent was not the payee on the account.

7. The ledger from Resident MJ's petty cash account at Cornerstone indicated a \$400 balance on June 10, 2006, and a deduction of \$215 on August 14, with a notation which read "savings account."

8. Wis. Admin Code sec. HFS 83.17(3) prohibits CBRF's from holding more than \$200 for residents.

9. Respondent told DHFS staff that since before the date of his hiring, the facility did not have written authorization to hold residents' funds, did not obtain receipts when cash was disbursed and did not provide copies of accounting of residents' funds.

10. On October 17, 2006, Respondent admitted to DHFS staff that he had not been aware of requirements for quarterly evaluations of certain psychotropic medications. As a consequence of Respondent's ignorance, psychotropic medication reviews were not done on residents since he began working at Cornerstone in June 2006.

11. On the same date, Respondent admitted that discontinued medications were not destroyed in accordance with time-frames established by law.

12. Respondent states that this was his first management position and he believes he was improperly trained to address state rules concerning money management and medication issues described in paragraphs 10 and 11.

#### CONCLUSIONS OF LAW

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

2. Respondent, by the conduct set forth in paragraphs 5-9, has committed negligence as defined by Wis. Adm. Code § N 7.04(intro), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

3. Respondent, by the conduct set forth in paragraphs 10 and 11, has committed negligence as defined by Wis. Adm. Code § N 7.03(1)(b), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Thomas W. Wade, R.N., Respondent, is hereby REPRIMANDED for the above conduct.

2. Respondent's license as a registered nurse in the State of Wisconsin is LIMITED as follows:

a. Respondent shall not accept responsibility for any patient funds or other valuables, and shall not accept any position which requires him to be responsible for patient funds or other valuables.

b. Within 180 days of the date of this Order, Respondent, shall satisfactorily complete the following continuing education programs or courses of study, which shall have first been approved by the Board, or its designee:

- 1) Four (4) hours of credit on the issue of ethics (including fiscal responsibility to patients), deemed by the Board, or its designee, to be sufficiently connected to the deficiencies in the care provided to Resident MJ.
- 2) Eight (8) hours of credit related to psychotropic medications, including their administration and management within institutions.

c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board shall issue an Order removing the limitations described in paragraphs 2.a. and 2.b.

3. 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 \$500.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

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

5. 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 that Respondent fails to 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.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

9/4/08  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
THOMAS W. WADE, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

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[Division of Enforcement Case No. 06 NUR 405]

It is hereby stipulated and agreed, by and between Thomas W. Wade, 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 06 NUR 405). 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, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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 administrative law judge 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 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. 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. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

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

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Thomas W. Wade, R.N.  
Respondent  
3950 Mathey Road  
Sturgeon Bay, WI 54235

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Date

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

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Date