FILE COPY

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against

BARBARA A. LUND, L.P.N.
Respondent
Case No. LS 9702251 NUR

FINAL DECISION AND ORDER

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Barbara A. Lund, L.P.N.
P.O. Box 6
Edgerton WI 53534

Board of Nursing
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the attached stipulation, the Board of Nursing makes the following

Findings of Fact

1. Barbara A. Lund, L.P.N., date of birth 10/21/51, (hereinafter referred to as Respondent) is duly licensed as a practical nurse in the state of Wisconsin (license #14065). This license was first granted on October 26, 1973.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is P.O. Box 6, Edgerton, Wisconsin 53534.

3. At all times relevant to this action, Respondent was working as a practical nurse at Columbia County Home, 323 West Monroe Street, Wyocena.

4. On or about August 26, 1993, Respondent moved patient MG onto MG's left side for a dressing change, in spite of the patient's protest that she was unable to turn in that fashion due to her arthritis.

5. There was no nursing necessity for patient MG to turn onto her left side for the dressing change.

6. The actions of the Respondent caused physical pain for MG.

Conclusions of Law

1. The Board of Nursing has jurisdiction in this matter pursuant to sec. 441.07, Stats.

2. By moving patient MG into a painful position for a dressing change without nursing necessity, Nurse Lund violated sec. N7.04(4), Wis. Admin. Code.

Order

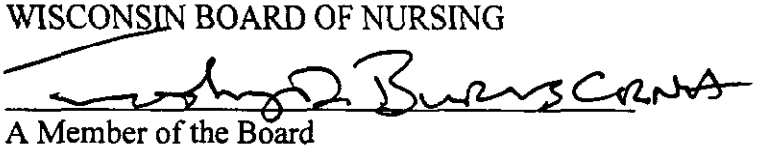
Now, therefore, it is ORDERED that Barbara A. Lund, L.P.N., is REPRIMANDED.

It is further ORDERED that the license previously issued to Barbara A. Lund, L.P.N., is LIMITED for a period of 18 months from the date of this Order, with the condition that Nurse Lund restrict her practice to employment at one facility for a single employer.

It is further ordered that Nurse Lund shall pay the costs of this proceeding, pursuant to sec. 440.22, Stats., in the amount of $500.00.

Dated this 2d day of May, 1997.

WISCONSIN BOARD OF NURSING



A Member of the Board

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against

BARBARA A. LUND, L.P.N.
Respondent
Case No. LS 9702251 NUR

STIPULATION

It is hereby stipulated between Barbara A. Lund, L.P.N., personally and on her own behalf and Dale E. Pope, Nurse Lund's counsel, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending matter concerning Nurse Lund's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Board of Nursing for its consideration and adoption.

2. In resolution of these proceedings, Nurse Lund consents to the entry of the attached Final Decision and Order.

3. Nurse Lund is aware of and understands each of her rights, including:
   - the right to a hearing on the allegations against her, at which the state would have the burden of proving the 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 own 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,
   - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
   - all othis rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

4. Nurse Lund is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

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 for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Barbara A. Lund
Barbara A. Lund, L.P.N.

25 April '97
Date

Dale E. Pope
Dale E. Pope
Attorney for Nurse Lund

4-24-97
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

April 22, 1997
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)
TTY# (608) 267-2416 hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On May 2, 1997, the Board of Nursing took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: $500.00 Case #: LS9702251NUR

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of $ 500.00

The costs and/or forfeitures are due: June 1, 1997

NAME: Barbara A. Lund, L.P.N. LICENSE NUMBER: 14065

STREET ADDRESS: P.O. Box 6

CITY: Edgerton STATE: WI ZIP CODE: 53534

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

_____

For Receipting Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Barbara A. Lund, L.P.N.,

Respondent.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On May 2, 1997, I served the Final Decision and Order dated May 2, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9702251NUR, upon the Respondent Barbara A. Lund's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 194.

Dale E. Pope, Attorney
24 N. Henry Street
P.O. Box 151
Edgerton WI 53534-0151

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 2nd day of May, 1997.

Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

May 2, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)