FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | FINAL DECISION AND ORDER |
| RANDALL N. PROCKNOW, R.N., RESPONDENT. | : | LS9703272NUR |

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 12TH day of September 1997.

Lucky D. Burns CRNA
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | PROPOSED DECISION |
| RANDALL N. PROCKNOW, R.N., RESPONDENT. | : | (Case No. LS 9703272 NUR) |

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

Randall N. Procknow, R.N.
732 West 4th Avenue
Oshkosh, WI 54901

State of Wisconsin
Board of Nursing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

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

A *Notice of Hearing* and *Complaint* were filed in the above-captioned matter on March 27, 1997. The respondent, Randall N. Procknow, R.N., failed to file an *Answer* within the twenty days required under sec. RL 2.09(4), Wis. Adm. Code. Accordingly, complainant's attorney, James W. Harris, filed an *Affidavit and Motion For Default*, and a hearing on the motion was scheduled for June 12, 1997. Prior to the hearing, the Mr. Procknow submitted correspondence under date of June 9, 1997, in which he indicated a desire to waive his right to a hearing. The hearing on complainant's *Motion for Default* was held on June 12, 1997. Mr. Harris appeared on behalf of complainant, and Mr. Procknow did not appear, nor did anyone appear upon his behalf.

On the basis of the entire record, the administrative law judge recommends that the Board of Nursing adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

1. The respondent, Randall N. Procknow (DOB 8/11/49) is licensed as a registered nurse in the state of Wisconsin, license #58624. This license was first granted September 21, 1973. Respondent's most recent address on file with the Department of Regulation and Licensing is 732 West 4th Avenue, Oshkosh, Wisconsin 54901.

2. A *Notice of Hearing* and *Complaint* were filed in the above-captioned matter on March 27, 1997. These documents were served upon respondent by mailing true and accurate copies by certified mail to respondent's most recent address on March 24, 1997. Respondent failed to file an *Answer* within twenty days after service of the *Complaint*.

### COUNT 1

3. At all times relevant to the allegations contained in Count 1 of the *Complaint* on file herein, the respondent was employed as a registered nurse in the ambulatory surgery center of the Ripon Medical Center.

4. On June 8, 1996, respondent signed out 2 Percocet, a controlled substance, for patient JM in violation of a physician's order.

5. On June 23, 1996, respondent signed out a 100 mg. tubex of Demerol, a controlled substance, for patient PB, noting on the log that 11 units of Demerol remained. The previous audit count of Demerol indicated that 20 units should have been present. Respondent failed to document or account for the missing Demerol. Respondent made an entry on the wrong form, and neglected to enter the patient's full name, the ordering physician's name, his name as the administering nurse, and the time of administration, all as required by hospital policy and procedure.

6. The physician's order for patient PB called for 20 mg. of Demerol, and 50 mg. tubexes were available for Respondent's use. Instead, respondent signed out a 100 mg. tubex and claimed to have wasted the unused portion without a witness and documentation as required by hospital policy and procedure.

7. Respondent was suspended by his employer for his conduct and resigned July 26, 1996.

### COUNT 2

8. At all times relevant to the allegations contained in Count 2 of the *Complaint* on file herein, the respondent was employed as a registered nurse in the surgical ICU at St. Marys Hospital, Madison, Wisconsin.

9. On October 14, 1996, respondent was assigned to care for patient JW who had an aortic heart valve replacement. With respect to that assignment:

a. Respondent neglected to chart assessments, vital signs and care required by post-surgery physician's orders, including: failed to monitor the patient's glucose level, and therefore failed to administer 10 units of regular insulin as needed, failed to make any entries on the MAR and diabetic summary for the duty shift, failed to complete the vital signs graphic sheet and patient progress notes for temperature, pulse, respiration, blood pressure, body functions, neuro assessments or physical assessments, and failed to complete the Care Pathways record;

b. Respondent made an illegible entry at 16:50 in the patient chart; and,

c. At 17:22 respondent signed out albumin through the PYXIS system but failed to enter the activity on the patient record.

10. On October 14, 1996, respondent signed out the following quantities of hydromorphone, a Schedule II controlled substance, in the name of patient JW:

| | | |
|---|---|---|
| 16:17 | 1 | 2 mg. syringe |
| 17:19 | 1 | 2 mg. syringe |
| 19:21 | 1 | 1 mg. syringe |
| 20:29 | 1 | 2 mg. syringe |

The MAR for October 14, 1996, for patient JW contains a single entry for hydromorphone indicating that at 18:10 1 mg. was administered. This time does not correspond with the times that the drug was signed out by respondent, and does not correspond with the dosage prescribed.

11. While respondent was on duty during the evening of October 14, staff observed the following conduct of Respondent reflecting an inability to safely and reliably perform his nursing duties:

a. he appeared to fall asleep while charting,

b. he appeared glassy-eyed and his coordination was awkward,

c. at times his eyes rolled upward and he became non-responsive to questioning,

d. he attempted to pick up a paper that was taped to a desk,

e. he was unable to pick up a clipboard from a copier despite repeated attempts,

f. he removed a nurse server basket from the patient room and placed it in the nurse report room, contrary to hospital procedure, and,

g. he left the ICU at 10:50 to go to the ER and thereafter could not be located by hospital personnel.

12. Respondent was terminated from this employment on October 22, 1996.

COUNT 3

13. At all times relevant to the allegations contained in Count 3 of the *Complaint* on file herein, the Respondent was employed as a registered nurse at the Shawano Medical Center.

14. Thefts and tampering of meperidine hydrochloride and morphine sulfate occurred at the Shawano Medical Center on 9/13/96, 9/14/96, 9/15/96, 11/20/96, 11/23/96 and 12/9/96. Personnel records demonstrate that respondent was the only employee with access to the locked medical cabinets to be on duty on all of the above dates, and further respondent was responsible for security of the controlled substances. Respondent had no explanation for the breach of security and loss of the controlled substances.

15. On December 9, 1996, respondent signed out the following controlled substances for which there was no physician's order:

Patient CW -- 100 mg. tubex Demerol

Patient LD -- 100 mg. tubex Demerol

Patient BJ -- 100 mg. tubex Demerol

Patient VM -- 75 mg. tubex Demerol

16. On December 10, 1996, at the end of his shift, respondent participated in an inventory of controlled substances for which he was responsible in the Special Care Unit. Respondent as the off-going nurse held the form indicating the number of drugs present at the start of his shift. The on-coming nurse performed the actual count. The on-coming nurse determined that there were "0" units of 50 mg. Demerol present. The controlled substance inventory form showed that respondent had accepted responsibility for 13 units of 50 mg. Demerol at the start of his shift. Respondent did not document or explain the missing controlled substances.

PRIOR DISCIPLINE

17. Respondent has been previously disciplined by the Board of Nursing for diversion and personal use of controlled substances in Case 91 NUR 164, and for unauthorized access to controlled substances in violation of a Board order in Case 93 NUR 220.

## CONCLUSIONS OF LAW

1. The State of Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to Ch. 441, Stats.

2. By failing to file an *Answer* to the *Complaint* within twenty days from the date of service of the *Complaint* as required by sec. RL 2.09(4), Wis. Adm. Code, respondent is in default and the Board of Nursing may make findings and enter an order on the basis of the *Complaint* and other evidence, pursuant to sec. RL 2.14, Wis. Adm. Code.

3. The conduct of respondent as set forth above in the Findings of Fact constitutes violations of secs. 441.07(1)(b), (c) and (d), Stats., and secs. N 7.03(1)(a), (b), (c), (d) and (g), N 7.03(3), and N 7.04(1), (2), (5), (6) and (15), Wis. Adm. Code.

## ORDER

NOW, THEREFORE, IT IS ORDERED that the license of the respondent, Randall N. Procknow, to practice as a registered nurse in the state of Wisconsin shall be, and hereby is REVOKED.

FURTHERMORE, IT IS ORDERED that the respondent, Randall N. Procknow, may not apply for reinstatement of his license for a period of one year from the date of the Final Decision and Order of the Board of Nursing, pursuant to sec. 441.07(2), Stats.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon respondent, Randall N. Procknow, pursuant to sec. 440.22, Stats.

## OPINION

The clear conclusion to be drawn from the allegations within the *Complaint*, as substantiated by the evidence presented in their support at the hearing, is that Mr. Procknow engaged in the diversion of controlled substances from the health care facilities at which he was employed from June through December, 1996. It is also a fair, if not an inescapable inference to draw, that the diversion of controlled substances by Mr. Procknow was for personal use.

In Mr. Procknow's letter waiving his right to a hearing on the allegations within the *Complaint*, he writes:

> I would however, like to provide some information to the Board at this time that I feel might be helpful in their determination.
>
> 1) Since mid December, I have not practiced as a Registered Nurse, or in any manner in health care. This was based on my own decisions, as well as that of counselor.
>
> 2) I completed an outpatient program in Dec/Jan 1997 in Appleton, Wisconsin, for substance abuse.
>
> 3) I have had counseling over the last several years regarding abuse issues pertaining to myself that have contributed to my relapse.
>
> 4) I can provide you with any of this information if need.
>
> It would be my wish to maintain my license to practice with restrictions. I realize this information appears scant, but I would be happy to supply information to you from treatment programs, counselors, or my psychiatrist.

As Mr. Procknow's correspondence suggests, the only issue remaining to be determined in this proceeding is the appropriate discipline to be imposed. In this regard, it must be recognized that the interrelated purposes for applying disciplinary measures are: 1) to promote the rehabilitation of the licensee, 2) to protect the public, and 3) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

Mr. Procknow essentially requests that limitations be placed upon his license, similar to those that are standard in impaired nursing cases. However, the complainant cites to the serious harm which could have befallen the patients in these cases, as well as the "repeater" aspect of Mr. Procknow's conduct, and argues that the protection of the public dictates his license be revoked.

It is recommended, under all of the circumstances presented, that the license of Mr. Procknow be revoked. Such discipline acts to prohibit him from applying for reinstatement of his license for at least one year. See, sec. 441.07(2), Stats.

Testimony presented at the hearing by the Director of the Surgical ICU at St. Marys Hospital respecting Count 2 of the *Complaint*, suggests that Mr. Procknow's conduct on October 14, 1996, could have resulted in serious, and perhaps even fatal consequences for patient JW. The patient had just undergone an aortic heart valve replacement and was entrusted to the nursing care of Mr. Procknow. The testimony indicated that having undergone major surgery, the patient was essentially helpless and unable to speak.

During his shift, Mr. Procknow diverted hydromorphone, a schedule II controlled substance, and was later observed by staff to be virtually non-functional. While responsible for the care of patient JW, he failed to monitor the patient's glucose level, and accordingly failed to administer 10 units of regular insulin as needed. He also failed to make any entries on the MAR and diabetic summary for the duty shift, failed to complete the vital signs graphic sheet and patient progress notes for temperature, pulse, respiration, blood pressure, body functions, neuro assessments or physical assessments, and failed to complete the Care Pathways record.

It is clear that Mr. Procknow endangered the health and safety of patient JW by failing to competently monitor the patient's condition. This resulted, among other things, in patient JW's failing to receive the insulin medically necessitated for stabilizing his condition.

Evidence was also submitted respecting Counts 1 and 3 of the *Complaint*. Although direct evidence of actual endangerment to patients is not as strong as that discussed above, it is clear that Mr. Procknow diverted controlled substances for his own use during his employment as a nurse in those cases, as well.

In determining an appropriate discipline to apply here, the need for strong sanctions is bolstered by the fact that Mr. Procknow previously has been disciplined for drug diversion. (Exhibit 1). These actions were as follows:

- On March 8, 1991, the board found that Mr. Procknow had on numerous occasions between September, 1986 and July, 1988, diverted controlled substances for his own use. Mr. Procknow received a two year suspension, stayed at three month intervals, contingent among other things upon successful participation and compliance in a chemical dependency treatment program.

- On January 8, 1992, the board found that Mr. Procknow had violated the terms of the March 8, 1991 order by working with access to controlled substances, failing to obtain witnessed drug screens and failing to obtain the screens on the required frequency. The board imposed a two year stayed suspension upon Mr. Procknow's license, again contingent upon meeting stated limitations and conditions.

- Mr. Procknow received the return of an unrestricted license to practice as a registered nurse on November 4, 1993. However, on September 16, 1994, the board found that during the time his license had been limited, Mr. Procknow had again worked with access to controlled substances, contrary to his disciplinary order. The board reprimanded Mr. Procknow.

Despite this prior history, and the conduct found here, Mr. Procknow requests that he be permitted to continue practice under a limited license in light his having completed an outpatient drug rehabilitation program in December 1996 - January 1997. He also cites his having obtained

counseling over the last "several years" for his drug abuse problem as an indication of his sincere effort toward rehabilitation.

The facts presented establish that, unfortunately, Mr. Procknow has again relapsed into drug abuse. This despite prior discipline by the board and prior treatment for his problem. The facts also show that, at least with respect to Count 2, his personal use of the diverted controlled substances occurred during the time he was providing nursing services to an individual in acute need of diligent and competent professional care.

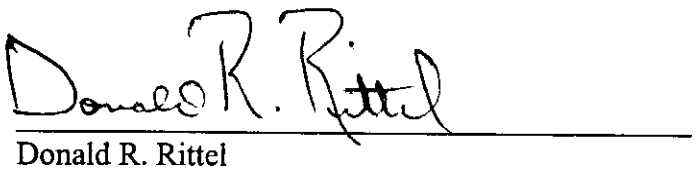
Under these circumstances, the need to protect the public outweighs the disciplinary function of attempting to rehabilitate the licensee. Providing Mr. Procknow with the ability to continue practice under a limited license in the past has not achieved his rehabilitation from drug abuse. It recurred, and could have brought with it severe patient consequences. Unfortunately, it cannot be presumed that a limited license will be sufficiently protective of the public at this time.

It is recommended that Mr. Procknow's license be revoked. Such discipline does not serve to withdraw from Mr. Procknow the hope of ever becoming licensed to practice as a registered nurse in the future. Rather, it permits him to reapply for reinstatement after one year. During that time he will be, perhaps, in a better position to concentrate on his own well-being and not tempted by access to controlled substances to continue in drug abusive behavior.

In this sense, the recommended discipline may very well also serve to promote the rehabilitation of Mr. Procknow, and his ultimate return to professional nursing practice, while assuring the protection of the public during his recovery.

Dated this 27th day of June, 1997.

Respectfully submitted,



Donald R. Rittel
Administrative Law Judge

alj\propdec\procknow

# 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:**

SEPTEMBER 17, 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.)

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|---|---|---|
| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | ORDER FIXING COSTS |
| | : | Case # LS9703272NUR |
| RANDALL N. PROCKNOW, R.N., RESPONDENT. | : | |

On September 12, 1997, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on July 7, 1997, the Board of Nursing received the *Affidavit of Costs* in the amount of $1,549.70, filed by Attorney James W. Harris. On June 27, 1997, the Board of Nursing received the *Affidavit of Costs of Office of Board Legal Services* in the amount of $241.77, filed by Administrative Law Judge Donald R. Rittel. The Board of Nursing considered the affidavits on November 13, 1997, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of $1,791.47, which is 100% of the costs set forth in the affidavits of costs of Attorney James W. Harris and Administrative Law Judge Donald R. Rittel, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before December 12, 1997, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Board of Nursing may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached *"Guidelines for Payment of Costs and/or Forfeitures"* should be enclosed with the payment.

Dated this 13th day of November, 1997.

BOARD OF NURSING

By: Timothy D. Burns CRNA
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | AFFIDAVIT OF COSTS OF OFFICE OF BOARD LEGAL SERVICES (Case No. LS 9703272 NUR) |
| RANDALL N. PROCKNOW, R.N., RESPONDENT. | : | |

STATE OF WISCONSIN )
) ss.
COUNTY OF DANE )

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the state of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.

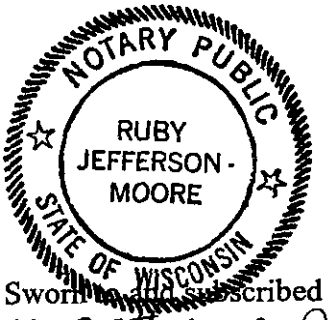
3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

ADMINISTRATIVE LAW JUDGE EXPENSE
Donald R. Rittel

| DATE | ACTIVITY | TIME SPENT |
|---|---|---|
| 5/21/97 | Prepare Notice of Hearing on Motion For Default | 0.25 hours |
| 6/12/97 | Conduct Hearing | 1.25 hours |
| | Review Record; prepare Proposed Decision | 4.00 hours |
| | TOTAL TIME SPENT | 5.50 hours |

Total administrative law judge expense for Donald R. Rittel,
5.50 hours @ $ 43.958 per hour, salary and benefits: $ 241.77

**TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES** **$ 241.77**




Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 27th day of June, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My Commission is permanent

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|---|---|---|
| IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST | : | |
| | : | AFFIDAVIT OF COSTS |
| RANDALL N. PROCKNOW, R.N., RESPONDENT. | : | LS9703272NUR |

STATE OF WISCONSIN )
) ss.
COUNTY OF DANE )

James W. Harris, being duly sworn, deposes and states as follows:

1. I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. In the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. Set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

| Date | Activity | Time Spent |
|---|---|---|
| 10/24/96 | conf investigator | 0.3 |
| 1/03/97 | review Shawano articles | -- |
| 2/03/97 | conf investigator | -- |
| 3/03/97 | review evidence/issues/Ripon | 6.0 |
| 3/04/97 | review evidence/issues/StMarys | 6.0 |
| 3/05/97 | review evidence/issues/Shawano | 4.0 |
| 3/05/97 | prepare complaint | 3.0 |
| 3/10/97 | prepare notice/memo | 1.0 |
| 5/06/97 | prepare & file affidavit default and motion | 0.5 |
| 5/29/97 | letter witness | 0.3 |
| 5/30/97 | hearing preparation | 4.0 |
| 6/04/97 | prepare certified records | -- |
| 6/04/97 | conference witness/letter | 1.0 |
| 6/10/97 | review respondent letter | 0.3 |

| | | |
|---|---|---|
| 6/11/97 | prepare for hearing | 2.0 |
| 6/12/97 | attend hearing | 2.0 |
| 6/12/97 | letter witness | 0.3 |
| 7/01/97 | review decision | 0.5 |

TOTAL HOURS

31.2 hours

Total attorney expense for 31.2 hours at
$41.00 per hour (based upon average salary and benefits
for Division of Enforcement attorneys) equals: $ 1,279.20

INVESTIGATOR EXPENSE

| Date | Activity | Time Spent |
|---|---|---|
| 8/01/96 | file received | -- |
| 8/02/96 | letter Ripon PD | 0.5 |
| 8/02/96 | telconf detective | 0.5 |
| 8/06/96 | telconf detective | 0.3 |
| 8/07/96 | letter detective | 0.5 |
| 8/17/96 | telconf Frederick | 0.7 |
| 10/16/96 | telconf Frederick | 0.7 |
| 10/18/96 | telconf Ripon PD | 0.5 |
| 10/24/96 | interview Frederick | 1.0 |
| 12/11/96 | letter Gullicksrud | 0.5 |
| 1/07/97 | telconf Gullicksrud | 0.5 |
| 2/06/97 | telconf Shawano Cty Court | 0.3 |
| 2/11/97 | telconf Shawano Cty Court | 0.3 |
| 2/13/97 | interview Wallner Ripon PD | 1.0 |
| 2/20/97 | telconf Shawano Cty Court | 0.3 |
| 2/25/97 | telconf Shawano Cty Court | 0.3 |
| 3/05/97 | conf. B.A. re discipline | 0.5 |
| 4/25/97 | telconf Shawano Cty Court | 0.3 |
| 5/01/97 | telconf Shawano cty Court | 0.3 |
| 5/28/97 | telconf Shawano Cty Court | 0.3 |
| 6/04/97 | prepare certified discipline record exhibit | 0.5 |
| 6/06/97 | telconf Shawano Cty Court | 0.3 |
| 6/09/97 | telconf Shawano Cty Court | 0.3 |
| 6/09/97 | hearing preparation | 1.0 |
| 6/12/97 | attend hearing | 2.0 |

TOTAL HOURS

13.4 hours.

Total investigator expense for 13.4 hours at
$20.00 per hour (based upon average salary and benefits
for Division of Enforcement investigators) equals: $ 268.00

MISCELLANEOUS DISBURSEMENTS

Postage $ 2.50

TOTAL ASSESSABLE COSTS $ 1,549.70

James W. Harris, Attorney
State Bar No. 1013219

Subscribed and sworn to before me this
7TH day of July, 1997.

Notary Public

My Commission is permanent.

# 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 September 12, 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: $1,791.47 Case #: LS9703272NUR

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of $ 1,791.47

The costs and/or forfeitures are due: December 12, 1997

NAME: Randall N. Procknow LICENSE NUMBER: 58624

STREET ADDRESS: 732 West 4th Avenue

CITY: Oshkosh STATE: WI ZIP CODE: 54901

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 Disciplinary Proceedings Against

Randall N. Procknow, R.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 November 17, 1997, I served the Order Fixing Costs dated November 13, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9703272NUR, upon the Respondent Randall N. Procknow, R.N. by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent 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 221 159 645.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Randall N. Procknow, R.N.
732 W. 4th Avenue
Oshkosh WI 54901

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

Subscribed and sworn to before me

this 17th day of November, 1997.

John Schweitzer
Notary Public, State of Wisconsin
My commission is permanent.

**State of Wisconsin** \ DEPARTMENT OF REGULATION & LICENSING

Marlene A Cummings
Secretary

*Tommy G Thompson*
*Governor*

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

September 22, 1997

RANDALL N. PROCKNOW, R.N
732 WEST 4TH AVENUE
OSHKOSH WI 54901

RE: In The Matter of Disciplinary Proceedings Against Randall N. Procknow, R.N., Respondent, LS9703272NUR, Assessment of Costs

Dear Mr. Procknow:

On September 12, 1997, the Board of Nursing issued an order involving your license to practice as a registered nurse. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is $1,791.47.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Board of Nursing, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before October 12, 1997. After reviewing the objections, if any, the Board of Nursing will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A Haack

Pamela A. Haack
Administrative Assistant
Office of Legal Services

Enclosures

cc: Board of Nursing
Department Monitor

# 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:**

November 17, 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.)