

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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1982

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ALICIA E. HAWLEY, R.N.  
RESPONDENT

FINAL DECISION  
AND ORDER

ORDER NO. 0001770

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

ORDER

IT IS ORDERED that the Findings of Fact and Conclusions of Law contained in the Proposed Decision, attached hereto, are accepted in this Final Decision, and that the Board modifies the proposed Order by imposing a revocation of Hawley's license to practice as a registered nurse, to be effective the date of the Final Decision of the Board of Nursing.

The reason for the variance is that the Board believes the facts showing Hawley intentionally failed to renew her license, while practicing nursing for a 13-year period, to be a serious and substantial violation of the statutes governing the licensing of nurses. The Board found no evidence of mitigating factors. The Board believes this action is consistent with a previous disciplinary action it took against a nurse who failed to renew a license for a shorter period without justifiable excuse.

The Board believes this action is necessary to deter other licensees from engaging in similar conduct. The Board believes a short suspension as originally proposed would not adequately impress this licensee and others with the necessity of complying with the statutes on renewal in the future in order to preserve the integrity of that process.

Let a copy of this Order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats., sec. 227.12. The party to be named as respondent in the petition is Alicia E. Hawley.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats., sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Board of Nursing.

Dated this 16th day of August, 1982.

Marjorie Lundquist RN  
Marjorie Lundquist, R.N., Chairperson  
State of Wisconsin Board of Nursing

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

PROPOSED DECISION

ALICIA E. HAWLEY, R.N., :  
RESPONDENT. :

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The parties to this proceeding for the purposes of Wis. Stats.  
sec. 227.16 are:

Alicia E. Hawley  
1019 Glenview Avenue  
Wauwatosa, Wisconsin 53213

Board of Nursing  
1400 East Washington Avenue, Room 174  
P.O. Box 8936  
Madison, Wisconsin 53708

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue, Room 183  
P.O. Box 8936  
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter on May 4, 1982. The respondent, Alicia E. Hawley, appeared personally and without an attorney. The complainant appeared by attorney Michael J. Berndt, Department of Regulation and Licensing, Division of Enforcement.

Based upon the record the Hearing Examiner recommends that the Board of Nursing adopt as its final decision the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Alicia E. Hawley (Hawley), 1019 Glenview Avenue, Wauwatosa, Wisconsin 53213, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 441 of the Wisconsin Statutes to practice as a registered nurse in the State of Wisconsin.

2. Hawley's registered nurse license is numbered 39687 and was granted on September 14, 1962.

3. Hawley practiced as a registered nurse for compensation from January, 1968 to 1981 without paying the renewal fee specified in Wis. Stats. sec. 441.06(3), and preceding statutes, and without being registered as required by Wis. Stats. sec. 441.06(4), and preceding statutes.

4. Hawley's failure to register and pay the renewal fees from 1968 through 1981 was intentional.

5. The failure of Hawley to register as a nurse was discovered by the staff of her employer, Milwaukee Psychiatric Hospital, in 1981. Subsequent to the discovery of Hawley's unregistered status, she was discharged from employment.

6. Subsequent to her discharge from employment at Milwaukee Psychiatric Hospital, Hawley sought employment as a nurse at two other institutions in February, 1981 but was not hired.

7. Hawley is currently working as a travel agent, and has since August, 1981.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.

2. The failure of Hawley to pay the renewal fees and become registered to practice as a registered nurse from 1968 through 1981, while practicing as a registered nurse during that time period, constitutes a violation of Wis. Stats. sec. 441.07(1)(b) [1979-80].

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of ALICIA E. HAWLEY to practice as a registered nurse (#39687), shall be and hereby is SUSPENDED for THIRTY (30) DAYS, the suspension to be effective the date of the final decision of the Board of Nursing. Hawley's license shall be reinstated after thirty days only if, and when, she has made payment of all registration fees which should have been paid during the time she practiced without being registered, along with the penalty fee for late renewal set forth in Wis. Stats. sec. 440.05(5).

#### OPINION

The respondent, Alicia E. Hawley, practiced as a registered nurse in the State of Wisconsin for approximately 13 years without registering with the Board of Nursing or paying the registration fees. Ms. Hawley admitted to these facts. Accordingly, the primary issue in this case is the appropriate discipline, if any, to be rendered by the board.

In determining what discipline should be imposed in this matter, 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 conduct. State v. Aldrich, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. State v. MacIntyre, 41 Wis. 2d 481 (1969).

At the hearing the state's attorney recommended a suspension for a short period of time in view of the fact that Ms. Hawley's employment record indicated that she had performed her nursing duties in a competent manner. The examiner agrees that a suspension of Ms. Hawley's license is appropriate for the following reasons:

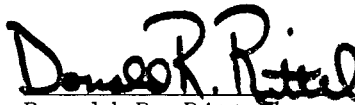
1. Ms. Hawley's failure to register was intentional and lasted for a substantial period of time--13 years. Had the staff at the Milwaukee Psychiatric Hospital not discovered her failure to register with the board, Ms. Hawley would, in all probability, still be practicing as a registered nurse today. A suspension is necessary in order to firmly impress Ms. Hawley with necessity of complying with the registration statutes in the future (i.e., assure her rehabilitation from past conduct).

2. Neither the Board of Nursing nor the Department of Regulation and Licensing have sufficient funds or staff to verify that every licensee of this state who is engaged in professional practice has a current registration. Accordingly, a suspension is necessary in this case in order to deter other licensees from engaging in similar conduct. The board must emphasize to its licensees that the discovery of such conduct will lead to disciplinary measures. The integrity of the registration process requires that disciplinary measures be taken in this case.

In addition to the suspension, Ms. Hawley should be required to pay all past due registration fees, plus a penalty fee. She should not be permitted to return to practice until such time as she has paid the fees required of all other licensees over the past years.

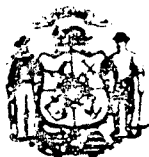
Dated at Madison, Wisconsin this 8<sup>th</sup> day of July, 1982.

Respectfully submitted,



Donald R. Ritter  
Hearing Examiner

DRR:bdk  
120-977



The State of Wisconsin  
Department of Justice

Raymond M. Roder  
Assistant Attorney General  
(608) 266-0764

123 West Washington Avenue  
Mailing Address P.O. Box 7857  
Madison, Wisconsin 53707

*Mike*  
Bronson C. La Follette  
Attorney General

F. Joseph Sensenbrenner, Jr.  
Deputy Attorney General

March 24, 1983

Mr. Gary J. Barczak  
Milwaukee County Clerk of Court  
901 North 9th Street  
Milwaukee, Wisconsin 53233

Attention: Joanne Schwanke

Re: Alicia A. Hawley v. State of Wisconsin Board of Nursing  
Case No. 598-192

Dear Ms. Schwanke:

Enclosed for filing please find the Notice of Entry of Final Order and Notice of Appeal in the above-captioned matter. I am also enclosing a check in the amount of \$50.00 to the Court of Appeals and a check in the amount of \$15.00 to the Clerk of Circuit Court, Milwaukee County.

Thank you for your attention to this matter.

Sincerely,

Raymond M. Roder  
Assistant Attorney General

RMR:kk1  
Enclosure

cc: Ms. Marilyn Graves  
Mr. Gary M. Williams

RECEIVED

MAR 29 1983 *JP*

Dept. of Regulation & Licensing  
Division of Enforcement

RECEIVED

MAR 28 1983

Dept. of Regulation & Licensing

STATE OF WISCONSIN

CIRCUIT COURT  
CIVIL DIVISION

MILWAUKEE COUNTY

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ALICIA A. HAWLEY,

Petitioner,

v.

Civil Action No. 598-192

STATE OF WISCONSIN  
BOARD OF NURSING,

Respondent.

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NOTICE OF ENTRY OF FINAL ORDER AND NOTICE OF APPEAL

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To: Mr. Gary J. Barczak  
Milwaukee County Clerk of Court  
901 North 9th Street  
Milwaukee, Wisconsin 53233

Attention: Joanne Schwanke

Ms. Marilyn Graves, Clerk  
Wisconsin Court of Appeals  
Post Office Box 1688  
Madison, Wisconsin 53701

Mr. Gary M. Williams  
Attorney at Law  
Post Office Box 421  
12065 West Janesville Road  
Hales Corners, Wisconsin 53130

NOTICE IS HEREBY GIVEN that the Final Order in the above-entitled matter (a copy of which is attached hereto and incorporated herein as if fully set forth) of the Milwaukee County Circuit Court, the Honorable Patrick J. Madden is HEREBY ENTERED and that the Wisconsin Board of Nursing, respondent, HEREBY APPEALS to the Court of Appeals, District I, from the Final Decision Reversing the Wisconsin Board of Nursing (dated February 21, 1983) and said Final Order (dated March 22, 1983) in

the above-entitled matter wherein the court set aside the order of the Wisconsin Board of Nursing which revoked the certificate of registration for Alicia E. Hawley to practice as a Registered Nurse in Wisconsin; said Final Order being entered on March 24, 1983.

This appeal is not from one of the types of cases specified in sec. 752.31(2), Stats.

Dated this 24<sup>th</sup> day of March, 1983.

Respectfully submitted,

BRONSON C. LA FOLLETTE  
Attorney General



RAYMOND M. RODER  
Assistant Attorney General

Attorneys for Respondent.

Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707  
(608) 266-0764



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ALICIA E. HAWLEY,

Petitioner,

v.

Civil Action No. 598-192

STATE OF WISCONSIN  
BOARD OF NURSING,

Respondent.

---

FINAL ORDER

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Petitioner, Alicia E. Hawley, by her attorney Gary M. Williams, having filed a Petition for Review pursuant to sec. 227.15, et seq., Stats., and the respondent, Wisconsin Board of Nursing, having appeared by its attorneys, Bronson C. La Follette, Attorney General, and Raymond M. Roder, Assistant Attorney General, and the matter having been briefed by the parties and the court having issued its "Decision Reversing the Wisconsin Board of Nursing"

## IT IS HEREBY ORDERED:

1. That the final decision of the Wisconsin Board of Nursing revoking the certificate of Alicia E. Hawley to practice as a Registered Nurse is set aside; and
2. The case is remanded to the Wisconsin Board of Nursing with instructions to either adopt the recommendation of the hearing examiner or to hold additional hearings to determine whether or not the integrity of the registration system requires

revocation of petitioner's certificate to practice as a  
registered nurse.

MAR 22 1983

Dated this \_\_\_\_ day of March, 1983.

Approved as to form:

Gary M. Williams 3/16/83

GARY M. WILLIAMS  
Attorney for Petitioner

BY THE COURT:

Patrick J. Madden

PATRICK J. MADDEN  
Circuit Court Judge