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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LOIS KRISTEN STROHEKER
POINTER BARRICK, R.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER 0001712

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

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. 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 Lois Kristen Stroheker Pointer Barrick.

A party aggrieved by this decision who is a resident of this state 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 party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve 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 30th day of March, 1984.

Lincoln McBack

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

LOIS KRISTEN STROHEKER :
POINTER BARRICK, R.N., :
RESPONDENT. :

PROPOSED DECISION

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

Lois Kristen Barrick, R.N.
1617 West Encanto Boulevard
Phoenix, Arizona 85007

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 January 20, 1984, commencing at 9:35 a.m. in Room 177, at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for complainant was Attorney Steven M. Gloe. Respondent did not appear nor did anyone appear purporting to represent respondent. At the hearing, complainant moved the examiner for an Order finding respondent in default under the provisions of Wis. Adm. Code sec. RL 2.14.

Based upon the record herein, 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. Lois Kristen Stroheker Pointer Barrick, R.N., (hereinafter referred to as respondent) is duly licensed in the State of Wisconsin as a registered nurse (license #4200). This license was issued on February 7, 1964. Respondent has maintained her license on an inactive status since 1966 in Wisconsin.
2. Respondent was duly licensed as a registered nurse in the State of Arizona (license #24685). Respondent's Arizona license was issued on June 21, 1981.
3. On September 15, 1983 respondent's license to practice as a registered nurse in Arizona was placed on a probationary status pursuant to respondent's signed Waiver of Hearing and Admission of Facts.

4. The Arizona disciplinary action referred to in paragraph 3 above, was based upon respondent's being under the influence of alcoholic beverages while on duty in a health care facility.

5. Respondent failed to appear at, or otherwise respond, to the hearing conducted herein.

CONCLUSIONS OF LAW

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

2. Pursuant to Wis. Adm. Code sec. RL 2.14, the failure of the respondent to appear at the time set for hearing renders respondent in default, and permits the Board of Nursing to make findings and enter an order based upon the Complaint and other evidence.

3. Respondent's conduct, as described in paragraphs 3 and 4 of the Findings of Fact, constitutes grounds for disciplinary action against respondent pursuant to Wis. Stats. sec. 441.07(1)(c) and (d).

ORDER

NOW, THEREFORE, IT IS ORDERED that complainant's Motion for Default Judgment is granted.

IT IS FURTHER ORDERED that the license of Lois Kristen Stroheker Pointer Barrick to practice as a registered nurse (#4200) in the State of Wisconsin, as well as any right which she may possess to renew said license, shall be and hereby is revoked, effective ten days following the final decision of the Board of Nursing.

OPINION

The respondent was placed on probation for a period of one year by the Arizona State Board of Nursing on September 15, 1983. This action in Arizona was based upon Ms. Barrick's admission that she had engaged in unprofessional conduct through her having been under the influence of alcoholic beverages while on duty in a health care facility. (Complainant's Ex. #1)

In view of the fact that Ms. Barrick failed to file an Answer to the Complaint, or appear at the evidentiary hearing, complainant's motion for a default judgment has been granted and findings entered indicating that she has violated statutes of conduct enforced by the Wisconsin Board of Nursing. Accordingly, the only issue in this case is the appropriate discipline, if any, to be levied by the board.

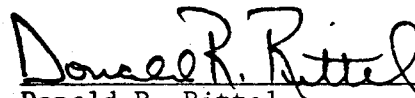
Ms. Barrick's failure to appear in this proceeding has severely restricted the board's ability to ascertain whether or not there exist mitigating circumstances involving her violation of the Arizona licensing laws. Furthermore, there is no evidence regarding possible relevant circumstances underlying her admission that she was under the influence of alcoholic beverages while on duty in a health care facility. Finally, the record

does not establish whether she has complied, or is complying satisfactorily, with the terms of probation ordered by the Arizona board. Under these circumstances, the public interest necessitates a revocation of Ms. Barrick's license in this state.

It should be noted that Ms. Barrick's license in Wisconsin has been on inactive status since 1966. It is this license, and any attendant right she may possess to practice thereunder, which is recommended for revocation. Furthermore, in order to assure that Ms. Barrick's ability to practice in this state is effectively removed, any right she may have to renew her 1966 license is also revoked.

Dated at Madison, Wisconsin this 24th day of February, 1984.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel
Hearing Examiner

DRR:aaz
139-368