

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEAN M. DREHER, T.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0001885

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

Jean M. Dreher
825 Greentree Road
West Bend, Wisconsin 53095

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 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 Jean M. Dreher.

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 Board of Nursing.

On October 4, 1984 the Board of Nursing received a Proposed Decision filed by the hearing examiner in the above-captioned matter. The board deliberated on the matter at its meeting of November 15, 1984.

Based upon the hearing record, the Proposed Decision, and other documents of record herein, the Board of Nursing adopts the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Jean M. Dreher, T.P.N., (hereinafter Dreher), who resides at 825 Greentree Road, West Bend, Wisconsin, was at all times relative to the proceedings herein, duly licensed to practice as a trained practical nurse (license #21977) in the State of Wisconsin. Her license was issued in December, 1979.

2. From approximately March, 1982, through July, 1983, Dreher was employed as a trained practical nurse at Beechwood Rest Home in Kewaskum, Wisconsin.

3. During June and July of 1983, Dreher worked at the Beechwood Rest Home approximately three or four days a week, during which time she was assigned to the evening shift from 2:00 p.m. to 10:00 p.m.

4. During June and July of 1983, one of Dreher's duties as a trained practical nurse at the Beechwood Rest Home was to take two autolet readings (blood sugar tests) during her shift regarding patient E.O., who was approximately 86 years of age. Such autolet readings had been ordered by the physician for E.O. in light of E.O.'s diabetic condition. Subsequent to taking the autolet readings, Dreher was required to record the readings in E.O.'s chart. One of the purposes for recording the autolet readings in E.O.'s chart was to permit periodic review of the patient's condition, including his insulin and diet requirements.

5. On several occasions during June and July of 1983, Dreher failed to take the required autolet readings with regard to patient E.O. Despite not having taken the autolet readings, Dreher would enter a false reading upon E.O.'s chart.

6. On one occasion during her employment at Beechwood Rest Home, Dreher failed to take the blood pressure of patient I.E., such failure being contrary to her work responsibilities at the facility as a trained practical nurse.

CONCLUSIONS OF LAW

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

2. The conduct of Dreher in failing to take the required autolet readings or blood pressure as described in the Findings of Fact, constitutes negligence within the meaning of Wis. Adm. Code sec. N 11.03(1).

3. The conduct of Dreher in recording false information upon E.O.'s chart as described in the Findings of Fact, constitutes engaging in moral delinquency within the meaning of Wis. Adm. Code sec. N 11.03(3)(c).

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4. Negligence and moral delinquency constitute unprofessional conduct and violations of board rules within the meaning of Wis. Adm. Code sec. N 11.04(1), and Wis. Stats. sec. 441.07(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Jean M. Dreher to practice as a trained practical nurse in the State of Wisconsin be, and hereby is, suspended for an indefinite period of not less than six months commencing ten days from service of this Final Decision and Order.

IT IS FURTHER ORDERED that Jean M. Dreher may petition the board for reinstatement of her license after six months, but such reinstatement shall be subject to the following terms and conditions:

1. Jean M. Dreher shall appear before the board for oral interview at a meeting of the board following Ms. Dreher's petition for reinstatement.
2. Jean M. Dreher's petition for reinstatement shall include therewith a psychological assessment prepared by a psychologist or psychiatrist satisfactory to the board indicating that Ms. Dreher is psychologically fit and competent to resume the practice of practical nursing.

IT IS FURTHER ORDERED that following reinstatement of the license of Jean M. Dreher to practice as a trained practical nurse, said license shall be limited for a period of one year. By the terms of the limited license, Ms. Dreher shall be required to notify her employer(s) of the circumstances of this proceeding and shall be required to provide quarterly reports to the board prepared by her employer(s) describing Ms. Dreher's work performance.

EXPLANATION OF VARIANCE

The board has accepted the hearing examiner's Findings of Fact, Conclusions of Law and that part of the Order recommending six-month suspension of Ms. Dreher's license. The board's Order varies from the hearing examiner's in providing that the period of suspension shall be for an indefinite period of not less than six months, with reinstatement granted only after an appearance by Ms. Dreher before the board, and only after receipt by the board of a satisfactory psychological assessment. Additionally, the board has ordered a one-year period of limitation following reinstatement whereby Ms. Dreher is required to provide quarterly reports from her employer describing her work performance.

The board was struck by the fact that Ms. Dreher, in the words of the hearing examiner, "offered no reason or explanation for her conduct." The board is thus left to guess as to what motive or possible personal problem may have prompted her behavior. Consequently, the board concludes that the disciplinary objectives of rehabilitation and public protection require that Ms. Dreher demonstrate her fitness to practice prior to

resuming employment as a practical nurse, and that the board thereafter be periodically apprised of the quality of her practice for a period of one year.

Dated at Milwaukee, Wisconsin this 5th day of December, 1984.

STATE OF WISCONSIN
BOARD OF NURSING

by

John J. Butkowski

WRA:aaz
017-501

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

JEAN M. DREHER, T.P.N., :
RESPONDENT :

NOTICE OF FILING
PROPOSED DECISION


To: Jean M. Dreher
825 Greentree Road
West Bend, Wisconsin 53095

Michael J. Berndt
Attorney at Law
Department of Regulation and Licensing
Division of Enforcement
P. O. Box 8936
Madison, Wisconsin 53708

PLEASE TAKE NOTICE that a Proposed Decision in the above-captioned matter has been filed with the Board of Nursing by the Hearing Examiner, Donald R. Rittel. A copy of the Proposed Decision is attached hereto.

If you are adversely affected by, and have objections to, the Proposed Decision, you may file your objections, briefly stating the reasons and authorities for each objection, and argue with respect to those objections in writing. Your objections and argument must be submitted and received at the office of the Board of Nursing, Room 174, Department of Regulation and Licensing, 1400 East Washington Avenue, P. O. Box 8936, Madison, Wisconsin 53708, on or before October 22, 1984.

Dated at Madison, Wisconsin, this 4th day of October, 1984.


Donald R. Rittel
Hearing Examiner

pc955-530

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEAN M. DREHER, T.P.N.,
RESPONDENT.

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PROPOSED DECISION

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

Jean M. Dreher
825 Greentree Road
West Bend, Wisconsin 53095

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. Michael J. Berndt, attorney, appeared for the Department of Regulation and Licensing, Division of Enforcement. The respondent, Jean M. Dreher, appeared in person without legal counsel.

Based upon the evidence in the record, the 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. Jean M. Dreher, T.P.N., (hereinafter Dreher), who resides at 825 Greentree Road, West Bend, Wisconsin, was at all times relative to the proceedings herein, duly licensed to practice as a trained practical nurse (license #21977) in the State of Wisconsin. Her license was issued in December, 1979.

2. From approximately March, 1982, through July, 1983, Dreher was employed as a trained practical nurse at Beechwood Rest Home in Kewaskum, Wisconsin.

3. During June and July of 1983, Dreher worked at the Beechwood Rest Home approximately three or four days a week, during which time she was assigned to the evening shift from 2:00 p.m. to 10:00 p.m.

4. During June and July of 1983, one of Dreher's duties as a trained practical nurse at the Beechwood Rest Home was to take two autolet readings (blood sugar tests) during her shift regarding patient E.O., who was approximately 86 years of age. Such autolet readings had been ordered by the physician for E.O. in light of E.O.'s diabetic condition. Subsequent to taking the autolet readings, Dreher was required to record the readings in E.O.'s chart. One of the purposes for recording the autolet readings in E.O.'s chart was to permit periodic review of the patient's condition, including his insulin and diet requirements.

5. On several occasions during June and July of 1983, Dreher failed to take the required autolet readings with regard to patient E.O. Despite not having taken the autolet readings, Dreher would enter a false reading upon E.O.'s chart.

6. On one occasion during her employment at Beechwood Rest Home, Dreher failed to take the blood pressure of patient I.E., such failure being contrary to her work responsibilities at the facility as a trained practical nurse.

CONCLUSIONS OF LAW

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

2. The conduct of Dreher in failing to take the required autolet readings or blood pressure as described in the Findings of Fact, constitutes negligence within the meaning of Wis. Adm. Code sec. N 11.03(1).

3. The conduct of Dreher in recording false information upon E.O.'s chart as described in the Findings of Fact, constitutes engaging in moral delinquency within the meaning of Wis. Adm. Code sec. N 11.03(3)(c).

4. Negligence and moral delinquency constitute unprofessional conduct and violations of board rules within the meaning of Wis. Adm. Code sec. N 11.04(1), and Wis. Stats. sec. 441.07(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Jean M. Dreher to practice as a trained practical nurse in the State of Wisconsin shall be, and hereby is, suspended for a period of six (6) months; such suspension commencing thirty days following the date of the final decision of the Board of Nursing.

OPINION

The respondent, Jean M. Dreher, is charged with, and admits, failing to take numerous autolet readings from an elderly diabetic resident at the Beechwood Rest Home during June and July of 1983. Despite not taking the autolet readings, Ms. Dreher placed false readings in the patient's chart. Ms. Dreher also admits failing to take the blood pressure of another resident at the facility, contrary to her employment responsibilities.

The primary issue in this proceeding is the appropriate discipline, if any, which should be taken against Ms. Dreher's license to practice as a trained practical nurse under the factual circumstances presented. 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 281 (1969).

In considering the disciplinary issue in this case, a brief recitation of the underlying facts should be set forth. Ms. Dreher was employed by the Beechwood Rest Home from approximately March, 1982 through July, 1983 as a trained practical nurse. During the months in question, June and July of 1983, one of Ms. Dreher's responsibilities was to test the blood sugar level of one of the home's residents, referred to as "E.O.". E.O. was approximately 82 years of age and a diabetic. His program of care at the home included two tests per working shift of his blood sugar level by means of an autolet reading. The autolet procedure requires, among other things, that the individual obtain a drop of blood from the patient--usually through a pin-prick of the thumb or ear lobe--and necessitates the use of "testing sticks". Sometime in July of 1983, Ms. Dreher's nursing supervisor noticed on at least three occasions that the number of testing sticks in the bottle assigned to Ms. Dreher had the same number of sticks at the end of Ms. Dreher's shift as at its commencement. When confronted with this fact, Ms. Dreher admitted to having failed to take the autolet readings for E.O. on numerous occasions. She also admitted to placing false autolet readings in E.O.'s chart, such conduct having the effect of deceiving others into believing that the autolet readings had been taken when, in fact, they had not.

Ms. Dreher's supervisor testified at the hearing that the charted autolet readings were used to monitor E.O.'s condition and to determine the appropriate level of insulin which E.O. needed, as well as to assess his dietary needs. The supervisor further testified that E.O. had experienced problems in his blood sugar count on occasion, thus there was a need to review his chart for the autolet readings on a periodic basis. Ms. Dreher's supervisor also testified briefly concerning the serious consequences which can befall a diabetic if the blood sugar levels are not adequately monitored and appropriate steps taken when necessary.

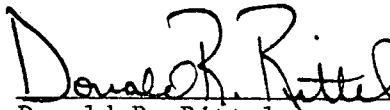
The record in this case indicates that Ms. Dreher's conduct was serious and of a repetitive nature. Not only did she fail to take the necessary autolet readings on numerous occasions, but such conduct was compounded by her having placed fictitious readings in the resident's chart which she knew would be relied upon by other health care providers in determining appropriate care. Although the record does not indicate that the resident involved suffered any adverse health consequences from Ms. Dreher's omissions and fabrications, such easily could have been the case. Both the resident, E.O., and Ms. Dreher appear to have been fortunate in this regard.

In mitigation, Ms. Dreher offered no reason or explanation for her conduct. It should be noted that she admitted her misconduct when confronted and at the hearing expressed her sorrow and intent not to engage in similar activities in the future. Furthermore, Ms. Dreher's supervisor at the Beechwood Rest Home testified that she had performed her work responsibilities well, with the exception of the incidents considered here.

At the hearing, complainant's attorney recommended that Ms. Dreher's license be suspended for a period of six months. The examiner agrees that such a suspension is warranted under the facts of this case, which include a consideration of the mitigating circumstance of Ms. Dreher's expressed remorse. The record clearly shows that the misconduct in this case was not limited to one isolated incident or work shift. Rather, the conduct occurred over a period of time and demonstrates a continuing pattern of failing to undertake basic nursing responsibilities. Ms. Dreher's remorse is duly considered; however, the protection of the public and the need to deter other licensees from engaging in similar conduct requires that a substantial suspension period be imposed upon her license to practice as a trained practical nurse. In my opinion, a suspension in this case of six months is necessary and appropriate in order to fulfill the responsibility to protect the public and deter other licensees from engaging in such conduct.

Dated at Madison, Wisconsin this 4th day of October, 1984.

Respectfully submitted,


Donald R. Rittel
Hearing Examiner