

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PHYLLIS SMALLWOOD STONG, R.N.,
RESPONDENT.

:
:
:
: FINAL DECISION
: AND ORDER

:
: ORDER 0001734

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

Phyllis Smallwood Stong
1651-V West Edgerton Avenue
Milwaukee, WI 53221

Board of Nursing
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

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 petition in this instance would be captioned with
Phyllis Smallwood Stong as the respondent.

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.

The parties in this matter agree to the terms and conditions of the
attached stipulation as the final disposition of this matter, subject to
the approval of the Board. The Board has reviewed this Stipulation and
considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation
and makes the following:

RECEIVED
JAN 10 1984
CLERK OF CIRCUIT COURT
DANE COUNTY
MADISON, WISCONSIN

FINDINGS OF FACT

1. That Phyllis Smallwood Stong, the respondent, was at all times relevant to this complaint duly licensed under the provisions of Chapter 441, Stats., to practice as a registered nurse in the State of Wisconsin.
2. That the respondent's registered nurse license is #60351, issued on August 26, 1974.
3. That the respondent's address is 1651-V West Edgerton Avenue, Milwaukee, Wisconsin 53221.
4. That on August 24 and August 25, 1981, the respondent was employed by Milwaukee County as a registered nurse at the Milwaukee County Medical Complex located in Wauwatosa, Wisconsin and on both dates was assigned to the nursery.
5. That on said dates, the respondent cared for a number of infants, including baby A.
6. That baby A was a very "fussy" baby and expended a considerable amount of energy crying. Further, baby A was unable to keep a pacifier in his mouth no matter how he was positioned.
7. That in an effort to soothe baby A, the respondent taped a pacifier to the cheeks of baby A such that the pacifier remained accessible to baby A's mouth.
8. That after the pacifier was taped to the cheeks of baby A he fell asleep within a short while.
9. That the respondent positioned herself within four feet or less of baby A and at all times baby A's color was good and he was breathing without difficulty.
10. That baby A was a child of less than ten days of age on said date.
11. That there is no evidence that any harm came to baby A by virtue of the respondent's actions.
12. That the respondent was never previously disciplined, suspended, reprimanded or warned by any supervisor for any derilection of duty or failure to meet nursing standards.

CONCLUSIONS OF LAW

1. That by engaging in the activities described above, the respondent has violated Wis. Adm. Code secs. N 11.04(1) and N 11.03(1).

RECEIVED
MILWAUKEE COUNTY
CLERK OF COURT
JULY 1, 1982

2. That pursuant to sec. 441.07, Stats., the Board has jurisdiction to take disciplinary action.

ORDER

NOW, THEREFORE, IT IS ORDERED that the respondent shall be and hereby is reprimanded.

IT IS FURTHER ORDERED that the respondent complete at least 20 hours of the continuing education which shall relate primarily to the care of infants or children. The continuing education must be acceptable to the Board and must be completed within two years of the date of this order.

BOARD OF NURSING

By: *Suzanne H. Schuler*
A Member of the Board

Date *11/20/86*

MJB:kcb
911-494

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PHYLLIS SMALLWOOD STONG, R.N.,
RESPONDENT.

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STIPULATION

It is hereby stipulated by the parties as follows:

1. This stipulation is entered into by the parties for the sole purpose of resolving and settling this contested proceeding and the contested allegations of fact and law which appear in the amended complaint dated May 31, 1983.
2. Phyllis Smallwood Stong does not admit to any allegation of fact or law set forth in the amended complaint.
3. Without admitting to any of the allegations against her and to avoid the substantial expense which would be required to litigate this matter, the Respondent urges acceptance by the Board of Nursing of this Stipulation and also urges that the Board of Nursing issue the attached final decision and order. The Complainant also urges acceptance of the stipulation and issuance of the attached final decision and order.
4. By signing this Stipulation, the Respondent knowingly and voluntarily waives her rights in this matter. By approving this Stipulation, the parties agree not to appeal or to petition for review of the attached final decision and order.
5. If all of the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then neither party shall be bound by any of the terms.

11/11/86
Date

Michael J. Berndt
Michael J. Berndt, Attorney for Complainant

11/14/86
Date

Phyllis Smallwood Stong
Phyllis Smallwood Stong, Respondent

MJB:lm1
019-743