

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
CHRISTINE ANN MURRAY, L.P.N.,	:	(88 NUR 104)
RESPONDENT.	:	

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

Christine Ann Murray, L.P.N.
2615 North Pierce
Milwaukee, WI 53212

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

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

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

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:

FINDINGS OF FACT

1. That Christine Ann Murray, hereinafter the Respondent, was at all times relevant to this action duly licensed as a licensed practical nurse in the State of Wisconsin.
2. That the Respondent's license is #23391 and this license was granted on December 9, 1980.
3. That the Respondent's current address is 2615 North Pierce, Milwaukee, Wisconsin 53212.
4. That on March 13, 1989, in the Circuit Court of Milwaukee County, the Respondent was convicted of possession of a prescription drug without a prescription contrary to secs. 450.11(7)(a) and 450.11(9)(a), Wis. Stats.

YOGA SUTRA

5. That the Respondent was sentenced to a term of probation for a period of one year, ordered to pay court costs of \$30, ordered to cooperate with the Department of Health and Social Services and was assigned to a drug unit.

6. That a copy of the criminal complaint which resulted in the above conviction is attached as Exhibit A. A copy of the Judgment of Conviction Sentence Withheld, Probation Ordered is attached at Exhibit B.

7. That the circumstances of said conviction substantially relate to the practice of professional nursing.

CONCLUSIONS OF LAW

1. That by being convicted of the above crime, the Respondent has engaged in unprofessional conduct contrary to Wisconsin Administrative Code, sec. N 7.04(1).

2. That the Board has jurisdiction pursuant to Chapter 441, Stats., to take disciplinary action against the Respondent.

Therefore, it is hereby ORDERED:

(a) The license of Christine Ann Murray is SUSPENDED for a period of not less than two (2) years. The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. Christine Ann Murray may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon Christine Ann Murray's acceptable demonstration of compliance with the conditions and limitations imposed on Murray's practice during the prior three (3) month period.

ii. If the Board denies the petition by Murray for an extension, the Board shall afford Murray an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 and upon timely receipt of a request for hearing.

iii. Upon successful compliance for a period of two (2) years with the terms of paragraph (b), below, the Board shall grant a petition by Murray for a return of full licensure.

iv. In consideration of Christine Ann Murray's regime of treatment commencing on September 11, 1989, the Board reduces the two (2) year compliance period by 12 months.

(b) CONDITIONS OF STAY.

i. Christine Ann Murray must remain in a program acceptable to the Board for the treatment of chemical dependency. As a part of her treatment,

Murray must attend therapy on a schedule that is recommended by her therapist; attendance, however, shall be required at least four time(s) per month. In addition, Murray must attend Alcoholics Anonymous or Narcotics Anonymous at least four time(s) per month. ,

ii. Upon request of the Board, Murray must provide the Board with current releases complying with state and federal laws, authorizing release of her counseling, treatment and monitoring records.

iii. Murray must remain free of alcohol, prescription drugs and controlled substances not prescribed for a valid medical purpose during the period of limitation.

iv. Murray must participate in a program of random, witnessed monitoring, on the basis of at least four time(s) per month for controlled substances and alcohol in her blood and/or urine. If the therapist supervising Murray's plan of care or her employer deems that additional blood or urine screens are warranted, Murray must submit to those screens.

Murray shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random and witnessed gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failures to participate as: if Murray fails to appear upon request; or if a drug or alcohol screen proves positive; or if Murray refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

v. Murray shall arrange for written quarterly reports to the Board of Nursing from her employer evaluating her work performance, from her monitoring facility providing the dates and results of the screenings performed, and from her counselor evaluating her attendance and progress in therapy as well as evaluating her level of participation at AA/NA meetings. The employer reports for Murray shall include a description of any access to controlled substances by Murray.

vi. Murray shall report to the Board within five (5) days of any change in her employment status.

(c) Christine Ann Murray may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of this order may result in the summary suspension of Christine Ann Murray's license, the denial of an extension of the stay of suspension, the imposition of additional conditions and limitations on Christine Ann Murray's practice, or the imposition of other additional discipline.

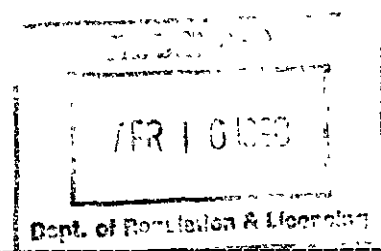
(e) This order shall become effective ten (10) days following the date of its signing.

BOARD OF NURSING

By: *Jacqueline Johnson RN* *9/7/90*
A Member of the Board Date

MJB:bmg
T-19034

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING



IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : STIPULATION
: (88 NUR 104)
: CHRISTINE ANN MURRAY, L.P.N., :
RESPONDENT. :

It is hereby stipulated between Christine Ann Murray, personally on her own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Christine Ann Murray's licensure by the Division of Enforcement (Christine Ann Murray, 88 NUR 104). Murray consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Murray understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Murray agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. Attached to this Stipulation is the current licensure card of Christine Ann Murray. If the Board accepts the Stipulation, Murray's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Murray shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. Also attached to this Stipulation are copies of Christine Ann Murray's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.

8. The Division of Enforcement joins Murray in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Christine Ann Murray L.P.N.
Christine Ann Murray, L.P.N.

4-10-90
Date

Michael J. Berndt
Michael J. Berndt, Attorney
Division of Enforcement

8/23/90
Date

MJB:bmj
T-15240(1)

STATE OF WISCONSIN_{vs.}

Plaintiff,

CRIMINAL COMPLAINT

Murray, Christine A.
2435 N. Weil St.
Milwaukee, WI

011058

CRIME(S) OR VIOLATION(S)

Possession of Prescription Drugs
Without a Prescription

STATUTE(S) OR ORDINANCE(S) VIOLATED

450.11(7)(a) & 450.11(9)(a)

COMPLAINING WITNESS

Bohlmann, Fred

Defendant(s)

CASE NUMBER

2903026

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN

on February 1, 1989, at 2727 W. Mitchell Street, City of Milwaukee, did intentionally obtain or procure a prescription drug by deceit or willful misrepresentation or by concealment of a material fact, contrary to Wisconsin Statutes sections 450.11(7)(a) and 450.11(9)(a).

Upon conviction of this charge, the maximum possible penalty is a fine of not more than \$500 or imprisonment for not more than 6 months or both.

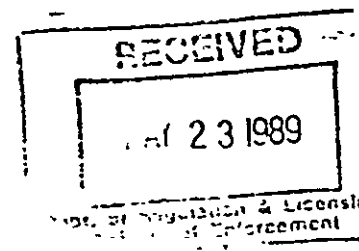
Complainant states that he is a police officer with the City of Milwaukee Police Department and is informed by Sharron Berman, whom he believes, that she is the administrator of Mercy and Residential & Rehabilitation Center located at 2727 W. Mitchell St., City and County of Milwaukee, Wisconsin, and she stated that three patients at that center are receiving Percocet and Tylenol III substances. Berman checked the records kept in the normal and regular course of business at Mercy Residential & Rehabilitation Center which indicate that Christine Murray, a licensed practical nurse, employed at the center was administering large amounts of the above named drugs to these people who normally don't take this much medication. Because these records also indicate that the defendant was signing out for the drugs on a controlled drug use record indicating that she was giving it to patients, but Murray was not signing out for the drugs on a medication administered record on the medicine card, Berman states that this procedure is highly irregular for a nurse.

Complainant also bases this complaint upon the statements of Christine Murray which he believes because they were made against her penal interest. After being advised of her constitutional rights under the Miranda decision, Murray stated that she has been working at the Mercy Residential & Rehabilitation Center located at 2727 W. Mitchell St., Milwaukee, Wisconsin, for the past two months. She said that during the period from

180m-Mur CA

CONTINUED ON PAGE 02

Exhibit A



STATE OF WISCONSIN vs.

Plaintiff.

CRIMINAL COMPLAINT

Murray, Christine A.
2435 N. Weil St.
Milwaukee, WI

011058

CRIME(S) OR VIOLATION(S)

Possession of Prescription Drugs
Without a Prescription

STATUTE(S) OR ORDINANCE(S) VIOLATED

450.11(7)(a) & 450.11(9)(a)

COMPLAINING WITNESS

Bohlmann, Fred

CASE NUMBER

Defendant(s)

February 1, 1989 to February 6, 1989, she did steal 28 tablets of Percocet and 12 tablets of Tylenol III. She states she took the above pills for her own use, and she never sold nor gave any away.

**** END OF COMPLAINT ****

SUBSCRIBED AND SWORN TO BEFORE ME
AND APPROVED FOR FILING February 11, 1989

John E. Keal

DEPUTY/ASST. DISTRICT ATTORNEY
JOMEA/jln

Fred Bohlmann

COMPLAINING WITNESS

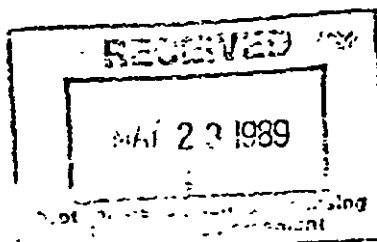
-- MISDEMEANOR COMPLAINT --

180m-Mur CA

FILED
CRIMINAL DIVISION

FEB 13 1989

GARY J. BARCZAK
CLERK OF COURTS



Corrected

JUDGMENT OF CONVICTION
SENTENCE WITHHELD, PROBATION ORDERED

STATE OF WISCONSIN,

Plaintiff

STATE OF WISCONSIN, Circuit Court Branch 27

Christine Ann Murray
v.
Defendant

County Milwaukee

1-10-58 Defendant Date of Birth

Court Case No. 2-903026

The defendant entered his/her plea of guilty

not guilty

no contest;

The Court Jury found the defendant guilty of:

Felony or

Date(s)

Wis. Statute(s)

Misdemeanor

Class

Crime

Violated

(F or M)

(A-E)

Committed

Crime(s)

*Possession of a
Prescription Drugs*

committed in this County; and *without a prescription*

~~450.07~~

M

2-6-89

On 3-13-89, the Court inquired of the defendant why sentence should not be pronounced, and no sufficient grounds to the contrary being shown or appearing to the Court, and the Court having accorded the district attorney, defense counsel, and the defendant an opportunity to address the Court regarding sentence; and upon all the evidence, records, and proceedings, the Court pronounced findings and judgment as follows:

IT IS ADJUDGED that the defendant on 3-13-89 was convicted as found guilty:

IT IS DETERMINED that society will not be harmed and the defendant will benefit by being placed on probation pursuant to Sec. 973.09, Wis. Stats.;

IT IS ADJUDGED that sentence is withheld and the defendant is placed on probation for the period of one yr., in the custody and control of the Wisconsin Department of Health and Social Services, subject to its rules and orders pursuant to Sec. 973.10, Wis. Stats.;

IT IS DETERMINED AND ORDERED that the record requires court-imposed conditions as follows:

None As ordered below:

That the defendant has the ability to pay within that period the amounts ordered herein. Should his/her financial condition change s/he shall forthwith petition this Court for reconsideration of such conditions.

Fines: None \$ _____; Court Costs: None \$ 30.00;

Attorney Fees: None \$ _____; Restitution: None \$ _____;

Other: None \$ _____;

Mandatory Felony _____ (# counts) @ \$30.00 Amount \$ _____;

Victim/Witness Surcharge Misdemeanor 1 (# counts) @ \$20.00 Amount \$ _____;

(Sec. 973.045 Wis. Stats.) Paid Yes Amount \$ _____; No

That the defendant shall be incarcerated in the County Jail for the following periods:

None The period of _____; and

1) Cooperation w/ the dept. 2) assignment to the drug unit.

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to Sec. 973.09(1)(b), Wis. Stats.;

IT IS ADJUDGED _____ days sentence credit are due pursuant to Sec. 973.155, Wis. Stats., and shall be credited if probation is revoked.

IT IS ORDERED that the Sheriff deliver the defendant into the custody of the Department as it directs.

FILED

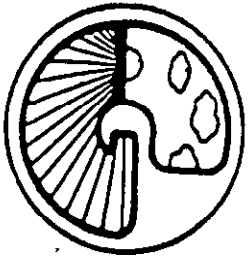
27 MAR 13 1989 (affix seal) 27

GARY J. BARCZAK

IMPORTANT: CLERK OF COURTS PLEASE NOTE:

BY ORDER OF THE COURT / Signature of Judge, Deputy or Clerk of Court	
Name of Judge <i>Thomas P. Doherty</i>	Date Signed <u>3-13-89</u>
Name of Defense Attorney <i>Bradley Keith</i>	Name of District Attorney P. De Carvalho

Send the following to the local Probation and Parole Office - two copies of this Judgment; two copies



GENESIS

726 North 31st Street Milwaukee, Wisconsin 53208 (414) 931-8683

August 17, 1990

Attorney Michael J. Berndt
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

RE: Christine Murray
DOB: 01-10-58
SSN: 397-64-2739

Christine began AODA Outpatient treatment here at Genesis on 9-11-89. Her treatment plan consisted of the following:

1. Attending AODA individual counseling here at Genesis at least one time per week.
2. Attending AODA Women's Treatment Group here at Genesis every Wednesday (NA Meeting)
3. Random urine screens.
4. Finding a job (register at Job Service)
5. Maintaining a healthy relationship revolving around stability, trust and understanding (I am a certified Family Marriage and Divorce Counselor).
6. Positive way to deal with feelings, especially turning negative feelings into positive feelings.

Christine has met all of the above conditions and continues to do so.

All urine screens are done on a random basis. Since beginning treatment in September 1989, none of Christine's urine screens have been positive.

If I can be of further assistance, please feel free to contact me.

Sincerely,

E. Lofton

Eva Lofton, BSM
AODA Counselor



RECEIVED
90 AUG 22 PM 11 18
REGULATION & LICENSING

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)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is September 14, 1990

WLD:dms
886-490

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding.