

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:  
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- Records not open to public inspection by statute are not contained on this website.

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1990  
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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

LORI BARTHEL, R.N.,  
RESPONDENT

:  
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:  
:  
:

FINAL DECISION AND ORDER

ORDER 0001773

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Lori Barthels  
4335 13th Avenue  
Minneapolis, WI 55407

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Lori Barthels (D.O.B. 06/02/55) is duly licensed in the state of Wisconsin as a registered nurse (license # 62643). This license was first granted on September 30, 1975.

2. Ms. Barthels' latest address on file with the Department of Regulation and Licensing is 4335 13th Avenue, Minneapolis, MN 55407.

3. On exact dates unknown, but at least on August 10, 1989 Ms. Barthels diverted for her own use quantities of controlled substances from her employer, Wausau Hospital Center 333 Pine Ridge Boulevard, Wausau, Wisconsin.

CONCLUSIONS OF LAW

By the conduct described above, Lori Barthels is subject to disciplinary

action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N7.03(2) and 7.04(1), (2) and (15).

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Lori Barthels shall be SUSPENDED for a period of not less than TWO (2) years.

(a) IT IS FURTHER ORDERED that 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. Lori Barthels may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Ms. Barthels' practice during the prior three (3) month period.

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

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

iv. In consideration of Ms. Barthels' regime of treatment beginning on April 14, 1990, the Board reduces the two (2) year compliance period by 5 months.

(b) CONDITIONS OF STAY

i. Ms. Barthels must continue successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Ms. Barthels must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Ms. Barthels must attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

ii. Upon request of the Board, Ms. Barthels shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

iii. Ms. Barthels shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Barthels must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. If the physician or

therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Barthels shall submit to such additional screens.

Ms. Barthels 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 shall agree to provide random and witnessed gatherings of specimens for evaluation. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures to participate as: if Ms. Barthels fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Barthels refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

v. Ms. Barthels shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance; from the monitoring facility providing the dates and results of the screenings performed; and from her counselor evaluating Ms. Barthels' attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

vi. Ms. Barthels shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Ms. Barthels 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 a summary suspension of Ms. Barthels' license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

(e) This Order shall become effective upon the date of its signing.

BOARD OF NURSING

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

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

REGULATION & LICENSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
LORI BARTHEL, R.N.,	:	
RESPONDENT	:	

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It is hereby stipulated between Lori Barthels, personally on her own behalf and Steven M. Gloe, 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 Ms. Barthels' licensure by the Division of Enforcement (89 NUR 114). Ms. Barthels consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Barthels 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. Ms. Barthels agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. 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. 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. Attached to this Stipulation is the current licensure card of Lori Barthels. If the Board accepts the Stipulation, Ms. Barthels' 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 Ms. Barthels shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the

purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

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

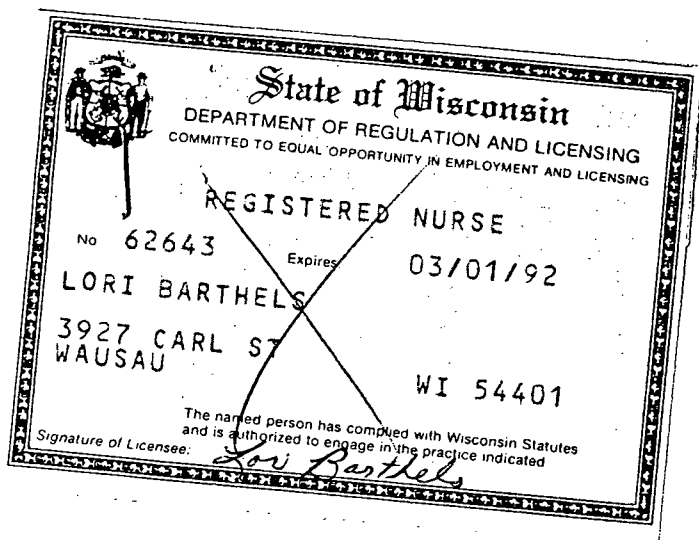
9. The Division of Enforcement joins Ms. Barthels in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Lori Barthels  
Lori Barthels, R.N.

8-17-90  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

8.20.90  
Date



## 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 11, 1990.

WLD:dms  
886-490