

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FREDERICK R. WHITE, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
92 NUR 034

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

Frederick R. White
2615 Simon Road
Manitowoc, WI 54220

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. Frederick R. White, R.N. (D.O.B. 05/17/39) is duly licensed as a registered nurse in the state of Wisconsin (license #57558). This license was first granted on June 1, 1973.

2. Mr. White's most recent address known to the Wisconsin Board of Nursing is 2615 Simon Road, Manitowoc, WI 54220.

3. On June 28, 1991, the Wisconsin Board of Nursing took disciplinary action against Mr. White's license to practice as a registered nurse in the state of Wisconsin. A true and correct copy of the June 28, 1991 order of the Board is attached to this Order as Exhibit A and incorporated by reference into this Order.

4. Frederick R. White failed to timely submit a course outline for pre-approval as required by the June 28, 1991 order of the Board. Mr. White first submitted a course outline for approval on or about March 4, 1992.

5. Frederick R. White failed to timely submit proof of successful completion of the education required by the June 28, 1991 order of the Board.

6. Attached to this Order as Exhibit B is documentation of Mr. White's successful completion of course work in satisfaction of the June 28, 1991 Order.

CONCLUSIONS OF LAW

Frederick R. White is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1), and Wis. Adm. Code §N7.04(14) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Frederick R. White (#57558) to practice as a registered nurse in the state of Wisconsin shall be SUSPENDED for a period of TEN (10) DAYS.

IT IS FURTHER ORDERED that

1. In resolution of this matter, Mr. White shall perform eighty (80) hours of community service volunteer work in conjunction with Center Project - Aids Clinic in Green Bay, Wisconsin, or with other community service pre-approved as acceptable by the Board. Mr. White shall submit a statement of hours of community service performed on a monthly basis. The statement shall be due on the 15th of each month beginning on the 15th day of the month following the effective date of this order and shall include verification of hours of service by an official of the organization where Mr. White is performing community service. The statement(s) of verification may be in letter form and shall be mailed to Michelle Neverman, Program Assistant Division of Enforcement, P.O. 8935, Madison, WI 53708. Mr. White shall complete the full eighty hours of service within six (6) months of the effective date of this Order.

2. Mr. White shall pay partial costs in this matter in the amount of ONE HUNDRED AND FIFTY DOLLARS (\$150) to the Department of Regulation and Licensing within fifteen (15) days from the effective date of this Order.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. White's license; the Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

This Order shall become effective seven (7) days following the date of its signing.

BOARD OF NURSING

By: Jacqueline Johnson RN MS 6/26/92
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
FREDERICK R. WHITE, C.R.N.A.,	:	88 NUR 13
RESPONDENT	:	

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

Frederick R. White
2615 Simon Road
Manitowoc, WI 54220

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. Frederick R. White (D.O.B. 5/17/39) is duly licensed in the State of Wisconsin as a registered nurse (license # 57558). This license was first granted on June 1, 1973.
2. Mr. White's latest address on file with the Department of Regulation and Licensing is 2615 Simon Road, Manitowoc, WI 54220.
3. Mr. White presently works as a certified registered nurse anesthetist for Two Rivers Community Hospital and Hamilton Memorial Home, Two Rivers, WI, the same facility where he worked at the time of the incident described below.
4. On January 8, 1988, Patient LE was admitted to the Two Rivers emergency room non-responsive to pain and stimulus with a blood pressure and pulse. Paramedics had revived the patient's heart beat at the scene through CPR and defibrillation.
5. Following initial resuscitation efforts in the emergency room, White had difficulty with an endotracheal intubation of the patient.

EXHIBIT A

6. In the intensive care unit, where the patient was later transferred, it was noted that his extremities were cyanotic and his abdomen distended.

7. Respondent did not adequately manage the patient to insure that a proper airway was established and maintained.

CONCLUSIONS OF LAW

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

2. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. By the conduct described above, Frederick R. White is subject to disciplinary action against his license to practice as a registered nurse in the state of Wisconsin, pursuant to sec. 441.07, Wis. Stats. and sec. N 7.03(1)(b), Wis. Adm. Code, by negligence in an act or omission demonstrating a failure to maintain competency in the practice and methods of nursing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Respondent Frederick R. White (# 57558) is REPRIMANDED.

IT IS FURTHER ORDERED, that within eight (8) months of the date of this Final Decision and Order Respondent Frederick R. White will submit proof to the Board that he has successfully completed a course of education and training of a least ten (10) contact hours in management of a patient in respiratory failure including endotracheal intubation and management of the same. The course outline must be pre-approved by the Board no later than four (4) months from the date this Final Decision and Order is entered. No outline will be approved unless Respondent includes the name of the facility or entity sponsoring the instruction, the name of the individual instructor, and the content of the course he intends to study.

None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board.

IT IS FURTHER ORDERED, that investigative file # 88 NUR 13 be closed.

BOARD OF NURSING

By: Jacqueline Johnson RN
A Member of the Board

6/28/91
Date

ATTN: Ralph V. Topinka, Atty
6-25-92

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To	Ralph V. Topinka	From
Co.	Division of Health	On
Dept.		Phone #
Fax #		Fax #



**AMERICAN HEART ASSOCIATION OF
WISCONSIN CARDIOPULMONARY
RESUSCITATION AND EMERGENCY
CARDIAC CARE**

THIS RECOGNIZES THAT
Fred White

HAS SUCCESSFULLY COMPLETED THE NATIONAL
COGNITIVE AND PERFORMANCE EXAMINATIONS
IN ACCORDANCE WITH THE STANDARDS OF THE
AMERICAN HEART ASSOCIATION FOR:

ACLS PROVIDER
ID # 1982109

05/17/1992

CERTIFICATION DATE

05/17/1994

EXPIRATION DATE



**AMERICAN HEART ASSOCIATION OF
WISCONSIN CARDIOPULMONARY
RESUSCITATION AND EMERGENCY
CARDIAC CARE**

THIS RECOGNIZES THAT
Fred White

HAS SUCCESSFULLY COMPLETED THE NATIONAL
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IN ACCORDANCE WITH THE STANDARDS OF THE
AMERICAN HEART ASSOCIATION FOR:

ACLS PROVIDER
ID # 1982109

05/17/1992

CERTIFICATION DATE

05/17/1994

EXPIRATION DATE



The individual named below participated in an educational offering
of the American Heart Association of Wisconsin entitled Advanced
Cardiac Life Support _____ provider _____ course.

This program has been approved for 19.5 contact hours by the
Continuing Education Approval Program of the Wisconsin Nurse
Association which is accredited by the Central Regional Accrediting
Committee of the American Nurses' Association.

Fred White

05/17/1992

Name of Participant

Completion Date

AHA/NW Course # 00074

EXHIBIT B

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
FREDERICK R. WHITE, RN,	:	92 NUR 034
RESPONDENT	:	

It is hereby stipulated between Frederick R. White, personally on his 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 in resolution of the pending proceedings concerning Mr. White's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Mr. White understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. White is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Mr. White agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation 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. The Division of Enforcement joins Mr. White in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Frederick R. White
Frederick R. White

6-18-92
Date

Ralph V. Topinka
Ralph V. Topinka,
Attorney for Mr. White

6-19-92
Date

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

6-23-92
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 July 3, 1992.