

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KATHERINE R. GIDIO,	:	92 NUR 043
RESPONDENT.	:	

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

Katherine R. Gidio, R.N.
c/o Attorney Kathleen Rauenhorst
Rauenhorst & Carlson
Rosedale Corporate Plaza
2665 Long Lake Road, Suite 200
Roseville, MN 55113

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. Katherine R. Gidio, (DOB 10/01/64) is duly licensed in the State of Wisconsin as a registered nurse in the State of Wisconsin. (license# 202141). This license was first granted on July 21, 1989.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1655 Oak Street, Cumberland, WI 54829..
3. Respondent suffers from a bipolar affective disorder and alcohol dependency, which has affected her ability to practice as a nurse in the past.

4. By stipulation and consent order dated December 6, 1990, the Minnesota Board of Nursing accepted a voluntary surrender of the license of Respondent to practice as a nurse in Minnesota.

5. By stipulation and order entered by the Wisconsin Board of Nursing in case 91 NUR 019 on June 28, 1991, the license of Respondent to practice as a registered nurse in Wisconsin was suspended, and a stay of suspension was granted with conditions.

6. On March 25, 1992, an order of suspension was entered by the Board of Nursing in case 91 NUR 019, on the basis of a report by respondent's health care provider that Respondent failed to maintain abstinence, and that her condition was such that she should refrain from the practice of nursing. There was also concern that Respondent had failed to comply with the required frequency of of monitoring screens.

The health care provider subsequently withdrew the allegation that Respondent had failed to maintain sobriety and that it was not appropriate for her to carry on nursing duties. Respondent has obtained the services of a new therapist.

7. Since January 1991 the Respondent has shown progress as a result of the treatment of her illness and dependency.

CONCLUSIONS OF LAW

By the conduct described above, Respondent 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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Katherine R. Gidio shall be SUSPENDED for a period of not less than one (1) year .

(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. Respondent 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 her's practice during the prior three (3) month period.

ii. If the Board denies the petition by Respondent 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 complete, successful and continuous compliance for a period of one (1) year with the terms of paragraph (b), below, the Board shall grant a petition by Respondent

for return of full licensure. The board may, in its discretion, require that Respondent complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

(b) CONDITIONS OF STAY

i. Respondent must remain in a program acceptable to the Board for the treatment of alcohol and chemical dependency. As a part of treatment, Respondent must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least two (2) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

ii. Upon request of the Board, Respondent 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. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Respondent 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 Respondent's plan of care or her employer deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens.

Respondent 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. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures to participate as: if Respondent fails to appear upon request; or if a drug or alcohol screen proves positive; or if Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Respondent understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of actions affecting her license, it shall be presumed that all confirmed positive reports are valid. Respondent shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Respondent shall provide her employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment. In addition, Respondent shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

vi. Upon employment as a nurse, Respondent 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 the counselor evaluating her attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

vii. Respondent shall refrain from access to or the administration of controlled substances in his work setting until such time as access or administration is approved by the Board.

viii. Respondent 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.

ix. Respondent must continue successful participation in a program for the treatment of her mental health problems at a health care facility acceptable to the Board. As a part of treatment, Respondent must remain under the care of a psychiatrist, and must take medications as may be prescribed for the management of her disorder.

x. Respondent must practice as a registered nurse under the direct supervision of another registered nurse. Telephonic supervision shall not satisfy this requirement.

(c) may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(d) 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 Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

(e) This Order shall be come effective upon the date of its signing.
BOARD OF NURSING

By *Dea Guileine O'Sullivan* *1/29*
Member of the Board Date *8/28/92*

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
KATHERINE R. GIDIO,	:	92 NUR 043
RESPONDENT	:	

It is hereby stipulated between Katherine R. Gidio, personally on her own behalf and her attorney, Kathleen K. Rauenhorst; and James W. Harris, 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 Respondent's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Respondent 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 a preponderance of the 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. Respondent is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

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


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

purpose of speaking in support of this agreement and answering questions that the members of the Board may have concerning their deliberation about it.

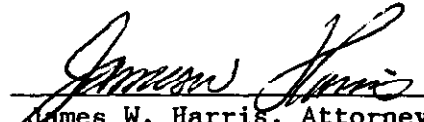
8. The Division of Enforcement joins the Respondent in recommending that the Board of Nursing adopt this stipulation and issue the attached Final Decision and Order.


Katherine R. Gidio, R.N.

8-20-92
Date


Kathleen K. Rauenhorst
Attorney for Respondent

8-20-92
Date


James W. Harris, Attorney
Division of Enforcement

8/27/92

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, 3 1992.