

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	:	
	:	FINAL DECISION AND ORDER
PATRICIA PAGE HEREFORD, L.P.N.,	:	90 NUR 23; 91 NUR 199
RESPONDENT.	:	

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

Patricia Page Hereford
18 South Academy Street
Janesville, WI 53545

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. Patricia Page Hereford, L.P.N.(D.O.B. 02/15/42) is duly licensed in the State of Wisconsin as a licensed practical nurse (license # 15995) . This license was first granted on October 26, 1973.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 1903 University Avenue, Madison, WI 53705. Respondent's actual present address is 18 South Academy Street, Janesville, WI 53545.

3. At all times relevant to this action, Respondent was working as a practical nurse either at Caravilla Nursing Facility, Beloit, Wisconsin, or Badger Prairie Health Care Center, Verona, Wisconsin.

4. Respondent has been the subject of alcohol dependence since age 25. In late 1989 she received inpatient treatment for her dependency; and she is currently participating in outpatient treatment for alcohol abuse.

5. Respondent does not contest, but does not admit, that on or about January 17, 1990, Respondent was negligent in the performance of her assigned nursing duties at Caravilla, in that she slept during her duty shift, and failed to perform certain nursing duties as assigned to her.

6. Respondent does not contest, but does not admit, that during the period July 1, 1991 to September, 1991, Respondent was negligent in the performance of certain of her assigned duties at Badger Prairie Health Care Center, in that there were medication and documentation errors as to patients assigned to Respondent for their care.

CONCLUSIONS OF LAW

By proof of the conduct described above, Patricia Page Hereford is subject to disciplinary action against her license to practice as a licensed practical 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 Patricia Page Hereford shall be SUSPENDED for a period of not less than two (2) years. The following provisions shall constitute a reasonable accommodation to the licensure of Respondent in light of the facts and circumstances of this case.

(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. Such conditions are intended as a reasonable accommodation to Respondent's circumstances.

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 Respondent'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 two (2) years with the terms of paragraph (b), below and upon completion of the requirements set forth in paragraph (c) 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 four (4) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous at least one (1) time(s) 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 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 Respondent's 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. 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 her work setting until such time as access or administration is approved by the Board. Respondent shall not engage in any nursing function except under direct supervision, as that term is defined in sec. N 6.02(6) of the Wisconsin Administrative Code.

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.

(c) IT IS FURTHER ORDERED, that prior to petitioning the Board for full licensure, Respondent shall provide the Board with medical certification that she is free from any impairment which would affect her ability to safely and reliably perform the duties of a minimally competent licensed practical nurse. Respondent shall also successfully complete and pass the national council licensure examination for practical nurse licensure, and submit the results directly to the Board of Nursing. Respondent may petition the Board for a waiver of this examination requirement, and the Board, in its discretion, and in view of all of the circumstances then attending, may grant such waiver.

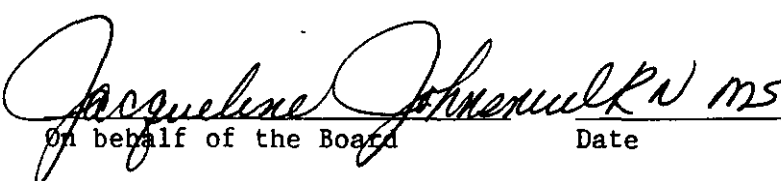
(d) Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within 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:


On behalf of the Board

Date

4/8/93

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
PATRICIA PAGE HEREFORD, L.P.N.,	:	90 NUR 023; 91 NUR 199
RESPONDENT	:	

It is hereby stipulated between Patricia Page Hereford, 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. Hereford's licensure by the Division of Enforcement (file # 90 NUR 029). Ms. Hereford consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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

and Order.



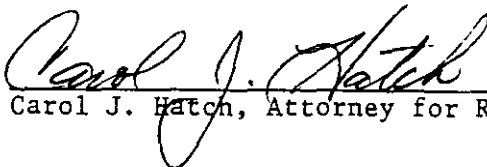
Patricia Page Hereford, L.P.N.

12-16-92
Date




James W. Harris, Attorney
Division of Enforcement

12/22/92
Date



Carol J. Hatch, Attorney for Respondent

12-16-92
Date

 **State of Wisconsin**
DEPARTMENT OF REGULATION AND LICENSING
COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING

LICENSED PRACTICAL NURSE

No: **15995** Expires: **04/30/93**

PATRICIA PAGE HEREFORD
1903 UNIVERSITY AVE
MADISON WI 53705


The person whose name appears on this document has complied with the provisions of the Wisconsin Statutes and is hereby authorized to engage in the practice indicated

CH 440.11 WIS. STATS. REQUIRES YOU TO NOTIFY THE DEPARTMENT OF A NAME OR ADDRESS CHANGE IN WRITING IN 30 DAYS. SUBMIT TO P.O. BOX 8935, MADISON WI 53708

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NOT VALID UNLESS SIGNED

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 **State of Wisconsin**
DEPARTMENT OF REGULATION AND LICENSING
COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING

LICENSED PRACTICAL NURSE

No: **15995** Expires: **04/30/93**

PATRICIA PAGE HEREFORD
1903 UNIVERSITY AVE
MADISON WI 53705

The named person has complied with Wisconsin Statutes and is authorized to engage in the practice indicated

Signature of Licensee *Patricia Page Hereford*

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 January 11, 1993.