

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

BERNETTA ALLEN, L.P.N.,
RESPONDENT

FINAL DECISION AND ORDER
91 NUR 152

ORDER 0001672

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

Bernetta Allen
3057 North Palmer Street
Milwaukee, WI 53212

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. Bernetta Allen, L.P.N. (D.O.B. 07/25/61) is duly licensed as a practical nurse in the state of Wisconsin (license #29533). This license was first granted on December 2, 1988.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3057 North Palmer Street, Milwaukee, WI 53212.

3. At all times relevant to this action, respondent was working as a practical nurse for Marina View Manor, 1522 North Prospect, Milwaukee, Wisconsin.

4. During the time period between August 10, 1990 and August 13, 1990, Ms. Allen failed to adequately monitor LL, a patient assigned to Ms. Allen's care. LL had fallen on August 7, 1990, and between August 10 and August 13, LL decreased her oral intake of food and liquids and became increasingly nonresponsive. Ms. Allen did not notify LL's physician of the changes in her patient's condition during this period of time.

5. In resolution of this matter, Ms. Allen consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Bernetta Allen is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §N7.03(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Bernetta Allen to practice as a nurse in the state of Wisconsin is LIMITED, subject to the following terms and conditions.

1. Bernetta Allen shall within six (6) months from the date of this order successfully complete 8 hours in continuing education acceptable to the Board in the area of recognizing and implementing appropriate nursing intervention for a patient change of condition, or in other areas acceptable to the Board. To be acceptable, the course or training shall be pre-approved by a member or designated agent of the Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Allen verifying that she attended the course in its entirety.
2. Ms. Allen shall arrange for quarterly reports to the Board of Nursing from any nursing employer evaluating her work performance, and Ms. Allen shall report to the Board any change in nursing employment within five (5) days of any such change.
3. During the time these terms and conditions are in effect, Ms. Allen shall provide all current or prospective nursing employers with a copy of this Final Decision and Order.
4. Upon receipt of: 1) satisfactory documentation of timely completion of the continuing education referred to in ¶1; and 2) reports of one year of satisfactory nursing practice documented pursuant to ¶2, above, the Board shall remove the limitations from Ms. Allen's license and return her to complete and unrestricted license status.

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 Ms. Allen'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 upon the date of its signing.

BOARD OF NURSING

By: Jacqueline Johnson RN MS 9/10/93
A Member of the Board Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
JUN 17 1996
STIPULATION

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
BERNETTA ALLEN, L.P.N., : 91 NUR 152
RESPONDENT :

It is hereby stipulated between Bernetta Allen, 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. Allen's licensure by the Division of Enforcement (91 NUR 152). Ms. Allen consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Allen 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. Ms. Allen is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Ms. Allen 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 Ms. Allen in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Bernetta Allen
Bernetta Allen

8/13/93
Date

Steven M. Glee
Steven M. Glee
Division of Enforcement

8/19/93
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 15, 1993.



PDF: DE00000001044-19930910

Order Dates:
SEP 10, 1993

Respondent Names:
ALLEN, BERNETTA; LONGO, KAREN JOYCE, L.P.N.; SCHINKO, SUSAN, LPN

Complaint IDs:
91NUR152

Profession:
LICENSED PRACTICAL NURSE

Boards:
NUR

Short Description:
LIMITED. COMPLETE 8 CE HOURS BY 3/10/94.

Case Summary:
FAILED TO ADEQUATELY MONITOR A PATIENT. DID NOT NOTIFY PHYSICIAN
OF THE CHANGES IN THE PATIENT'S CONDITION.

