

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

**FILE COPY**

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CHARLOTTE K. GIVHAN, L.P.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
LS9312021NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 8th day of July 1994.

Jaqueline Johnson, RN, MSN

*Violation of  
Board Order*

**STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING**

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**IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST**

**PROPOSED DECISION  
LS9312021NUR**

**CHARLOTTE K. GIVHAN, L.P.N.,  
RESPONDENT.**

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The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

Charlotte K. Givhan, L.P.N.  
1014 Copeland Avenue  
Beloit, Wisconsin 53511

Board of Nursing  
P.O. Box 8935  
Madison, Wisconsin 53708

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on December 2, 1993. A hearing was held in the above-captioned matter on February 9, 1994. Attorney Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Charlotte Givhan appeared in person without legal counsel. Pursuant to a stipulation entered into by the parties and by order of the Administrative Law Judge, the hearing was held open until March 31, 1994, pending receipt of additional evidence from the parties.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Respondent, Charlotte K. Givhan, L.P.N., (d.o.b., 07/27/58) is duly licensed as a practical nurse in the State of Wisconsin (license #29314). Respondent's license was granted on April 7, 1988.

2. On May 7, 1993, the Board of Nursing issued a Final Decision and Order (92 NUR 110) imposing discipline against the respondent. Paragraphs (a) and (b) of the Board Order states, in part, the following:

(a) The license of Charlotte K. Givhan to practice as a nurse in the State of Wisconsin shall be LIMITED as follows:

1. Within ninety (90) days from the date of this order, Ms. Givhan shall present the Board with documentation from a mental health care provider acceptable to the Board that Ms. Givhan has undergone a current mental health assessment addressing Ms. Givhan's ability to safely perform as a practical nurse. Ms. Givhan shall be responsible for obtaining a mental health care provider acceptable to the Board, as well as for all costs incurred in conjunction with the assessment and any subsequent treatment required.

The assessment shall occur within thirty (30) days of its submission and reflect the fact that the person (s) performing the assessment received a copy of this Order together with investigative documents from the Division of Enforcement for his or her use in conducting the assessment. The assessment report shall include: a description of the assessment process utilized; diagnosis; and recommendations for the need (if any) of future treatment and/or work restrictions. ....

(b) Within six (6) months from the effective date of this order, Ms. Givhan shall submit documentation to the Board of completion of eight (8) hours of continuing education in the areas of patient rights, or in other areas acceptable to the Board. To be acceptable, the course (s) shall be pre-approved by a member or designated agent of the Wisconsin Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Givhan verifying that she attended the course(s) in their entirety.

3. Respondent failed to submit documentation to the Board of Nursing, within ninety days of the effective date of the Board's Final Decision and Order, dated May 7, 1993, that she has undergone a current mental health assessment.

4. Respondent submitted documentation to the Board of Nursing on February 14, 1994, of having undergone a current mental health assessment.

5. Respondent failed to submit to the Board of Nursing, within six months from the effective date of the Board's Final Decision and Order, dated May 7, 1993, documentation of completion of eight hours of continuing education in the areas of patient rights, or other areas acceptable to the Board.

## CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07 (1), Wis. Stats., and Wis. Adm. Code s. N7.04 (14) and (15).

2. Respondent, Charlotte K. Givhan, by engaging in the conduct as described in Findings of Fact #3 and #5 herein, violated Wis. Adm. Code s. N7.04 (14) and (15).

## ORDER

**NOW, THEREFORE, IT IS ORDERED** that the license (#29214) of Charlotte K. Givhan, to practice as a nurse in the State of Wisconsin, and hereby is, **LIMITED** as follows:

1. Within ten (10) days from the date of this Order, respondent shall file with the Board of Nursing, a 5,000 word research paper relating to patient rights or other areas acceptable to the Board, or evidence of completion of eight (8) hours of continuing education in the area of patient rights as specified in paragraph (b) of the Board order (Final Decision and Order) dated May 7, 1993.

2. Respondent shall comply with all other conditions and limitations contained in the Board order (Final Decision and Order) dated May 7, 1993.

## OPINION

The evidence establishes that Ms. Givhan violated s. N7.04 (14) and (15) Wis. Adm. Code by failing to provide documentation of having undergone a mental health assessment, and by failing to submit documentation of having completed eight hours of continuing education in the area of patient rights, within the time period established by the Board in its order dated May 7, 1993.

Ms. Givhan stipulated that she failed to comply with the Board order as alleged in the Complaint. She stated that she was under the impression that she did not have to comply with the Board order since she had elected not to renew her license.

Prior to the close of the hearing, Ms. Givhan submitted documentation of having undergone a mental health assessment. The assessment was performed by Dr. Michael Kaye, who practices at the Beloit Clinic. He faxed a copy of his report to Mr. Gloe on February 14, 1994. Ms. Givhan filed a copy of the report with the Administrative Law Judge on April 7, 1994. In his report, Dr. Kaye states that Ms. Givhan "appears to have the ability to return to work if she makes proper gains in psychotherapy", and that "once psychotherapy has been successfully started, relicensure may follow if indicated by Ms. Givhan's psychotherapist". According to Dr. Kaye, treatment is likely to be extended "as many family of origin issues need to be resolved".

In reference to the continuing education requirements, Ms. Givhan represented at the hearing that she has not been successful in locating course offerings relating to patient rights in her area of residence. Consequently, the parties reached a stipulation which provided that Ms. Givhan would complete a 5,000 word research paper relating to patient rights in lieu of completing coursework. Pursuant to the stipulation, the Administrative Law Judge issued an order on March 21, 1993, extending the time for the close of the hearing until March 31, 1993, for purposes of allowing additional time for Ms. Givhan to complete the report. On April 7, 1993, Ms. Givhan filed a request for an extension of time, to April 20th, to complete the research report citing medical reasons. As of this date, Ms. Givhan has not filed the report. The proposed Order provides for additional time for Ms. Givhan to complete the research report. All other provisions of the Board's May 7th order remain in effect. The Division of Enforcement requested that costs for the proceedings not be imposed because of the nature of the violations.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 25th day of April, 1994.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ruby Jefferson-Moore".

Ruby Jefferson-Moore  
Administrative Law Judge

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN BOARD OF NURSING.

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1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

JULY 15, 1994.

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### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)