

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

MARIA T. TOMS, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
92 NUR 211

ORDER 00001553

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

Maria T. Toms
4883 North 20th Street
Milwaukee, WI 53209

Wisconsin 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. Maria T. Toms (D.O.B. 1/31/40) is duly licensed in the state of
Wisconsin as a licensed practical nurse (license # 31170). This license was
first granted on January 23, 1992.

2. Respondent latest address on file with the Department of Regulation
and Licensing is 4883 North 20th Street, Milwaukee, WI 53209.

3. At all times relevant to this action Respondent was employed as a
licensed practical nurse at the Marian Catholic Home, Milwaukee, Wisconsin.

4. On November 18, 1992 Respondent was directed by the RN supervisor to administer Tylenol, followed by milk of magnesia, to patient MD. Instead the Respondent administered a Compazine suppository and then documented administration of Tylenol. When confronted, Respondent gave false information concerning the medication to the nurse supervisor.

CONCLUSIONS OF LAW

By the conduct described above, Respondent 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)(b), (c) and (d), and Wis. Adm. Code sec. N 7.03(1)(a), (b) and (d), and N 7.04(5).

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.
2. Maria T. Toms is hereby REPRIMANDED for her unprofessional conduct in this matter.
3. The license of Respondent to practice as a licensed practical nurse in the state of Wisconsin is hereby LIMITED IN THE FOLLOWING RESPECTS:
 - a) Within six months of the date of this Order Respondent shall successfully complete an approved course of education and training of not less than 10 hours in medication administration and documentation, and nursing ethics. The course outline must be pre-approved by the Board not later than two months following the date of this Order. No outline will be approved unless Respondent discloses the name of the institution offering the instruction, the name of the instructor, and the content of the course. Respondent shall submit certification of completion of the course work to the Board of Nursing.
 - b) Until certification of successful completion of the training requirement set forth in paragraph a) of this Order, Respondent shall not engage in the administration of medications except under the direct supervision of a registered nurse.
 - c) Upon certification to the Board of Nursing of the successful completion of the requirements of this Order the limitation herein imposed shall cease.

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

This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnson RN MS Date 1/28/94
A Member of the Board

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARIA T. TOMS, L.P.N.,	:	92 NUR 211
RESPONDENT	:	

It is hereby stipulated between Maria T. Toms, personally on her own behalf and James W. Harris, 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 Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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 been provided the opportunity to seek 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. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Respondent shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. 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.

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

Maria T. Toms
Maria T. Toms

Jan 8, 1994
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

January 12, 1994
Date

jh

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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 31, 1994.

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.)



PDF: DE00000001315-19940128

Order Dates:

JAN 28, 1994

Respondent Names:

TOMS, MARIAN T., LPN

Complaint IDs:

92NUR211

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

REPRIMANDED. LIMITED - COMPLETE 10 CE HOURS BY 7/28/94.

Case Summary:

DIRECTED BY A SUPERVISOR TO ADMINISTER TYLENOL, FOLLOWED BY MILK OF MAGNESIA, TO A PATIENT. INSTEAD SHE ADMINISTERED A COMPAZINE SUPPOSITORY AND THEN DOCUMENTED ADMINISTRATION OF TYLENOL. WHEN CONFRONTED, SHE GAVE FALSE INFORMATION CONCERNING THE MEDICATION TO THE NURSE SUPERVISOR.

