

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

ORDER 0001576

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FRANCES HEINE, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
93 NUR 099

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

Frances Heine
826 Hillside Drive
Jefferson, WI 53549

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. Frances Heine (D.O.B. 5/16/40) is duly licensed in the state of
Wisconsin as a licensed practical nurse (license # 3429). This license was
first granted on April 22, 1960.

2. Respondent's latest address on file with the Department of
Regulation and Licensing is 826 Hillside Drive, Jefferson, WI 53549.

3. On May 11, 1993, while employed at Countryside Home, Jefferson,
Wisconsin, as a licensed practical nurse, Respondent spoke harshly to resident
MF, failed to note the resident's medical condition and requests for PRN
medication on the patient record, failed to administer PRN medication, and
permitted a nurse's aide to perform a patient treatment for psoriasis.

CONCLUSIONS OF LAW

By the conduct described above, Frances Heine 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) and (b), and N 7.04(4).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Frances Heine is hereby REPRIMANDED for her unprofessional conduct in this matter.

2. The license of Respondent to practice is hereby LIMITED in that Respondent shall within six months of the date of this Order certify to the Board of Nursing successful completion of an approved course of education and training in medication administration and documentation, and of a course in stress management. Within two months of the date of this Order Respondent shall submit a course outline to the Board for approval. The outline shall list the name of the institution providing the instruction, the name of the instructor, and the course content. Upon certification to the Board of Nursing of completion of the required training the limitation 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 3/4/94
A Member of the Board Date

jh
doc: 5525

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
FRANCES HEINE, L.P.N.,	:	93 NUR 099
RESPONDENT	:	

It is hereby stipulated between Frances Heine, 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. 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 Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Frances Heine
Frances Heine

2-28-94
Date

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

March 1, 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:

MARCH 9, 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: DE00000001569-19940304

Order Dates:

MAR 04, 1994

Respondent Names:

HEINE, FRANCES, LPN

Complaint IDs:

93NUR099

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

REPRIMANDED. LIMITED - COURSE BY 9/4/94.

Case Summary:

SPOKE HARSHLY TO A RESIDENT, FAILED TO NOTE RESIDENT'S MEDICAL
CONDITION AND REQUESTS FOR PRN MEDICATION ON THE PATIENT RECORD,
FAILED TO ADMINISTER PRN MEDICATION AND PERMITTED A NURSE'S AIDE
TO PERFORM A PATIENT TREATMENT FOR PSORIASIS.

