

## 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

MARY A. O'BRIEN, LPN,  
RESPONDENT

:  
:  
:  
:  
:

FINAL DECISION AND ORDER  
93 NUR 252

ORDER 0001684

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

Mary A. O'Brien, LPN  
P.O. Box 124  
Eastman, WI 54626

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. Mary A. O'Brien (D.O.B. 05/14/44) is duly licensed as a practical nurse in the state of Wisconsin (license #31606). This license was first granted on December 4, 1992.
2. Ms. O'Brien's most recent address on file with the Wisconsin Board of Nursing is P.O. Box 124, Eastman, WI 54626.
3. At all times relevant to this action, Ms. O'Brien was working as a practical nurse at Prairie Health Care Center, 1505 East Brunson Street, Prairie du Chien, Wisconsin.
4. The Department of Regulation and Licensing Division of Enforcement has received allegations from Ms. O'Brien's employer stating that on several occasions between January and November, 1993, Ms. O'Brien was negligent in her charting and assessment of patients.

*negligent charting  
& assessment  
12 hrs C.E.*

4. Ms. O'Brien contests the validity of these allegations, but in resolution of this matter, Ms. O'Brien consents to entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

By the conduct described above, Mary A. O'Brien 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).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Mary A. O'Brien, LPN to practice as a practical nurse in the state of Wisconsin is LIMITED, subject to the following terms and conditions.

1. Within one (1) year from the date of this order Ms. O'Brien shall submit documentation of at least twelve (12) hours of successful completion continuing education acceptable to the Board. The education shall include training in the areas of stress management, time management and medication administration [or other training approved as relevant to the conduct described in this action] and 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 a statement signed by Ms. O'Brien verifying that she attended the course in its entirety.

In the event that Ms. O'Brien fails to timely comply with the education requirements set forth above, her nursing license shall be suspended, without further notice or hearing, until she has complied with the terms of this Order.

2. Until such time as Ms. O'Brien has successfully completed the education requirements of ¶1, above, Ms. O'Brien shall work as a nurse only under the supervision of another licensed health care professional and shall refrain from nursing employment as a visiting nurse or other home care provider, or as a charge nurse.

3. During the time these terms and conditions are in effect, Ms. O'Brien shall provide all current or prospective nursing employers with a copy of this Final Decision and Order.

4. Upon successful and timely completion of the terms of ¶¶1 through 3, above, the Board shall reinstate Ms. O'Brien to full and unrestricted licensure 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. O'Brien'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: Jaqueline Johnson MS 7/8/94  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARY A. O'BRIEN, LPN,	:	93 NUR 252
RESPONDENT	:	

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It is hereby stipulated between Mary A. O'Brien, 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. O'Brien's licensure by the Division of Enforcement. Ms. O'Brien consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. O'Brien 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 her; 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. O'Brien 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. Ms. O'Brien 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 Mary A. O'Brien. If the Board accepts the Stipulation, Ms. O'Brien'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

Ms. O'Brien 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 and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board 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 Ms. O'Brien in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mary A. O'Brien LPN  
Mary A. O'Brien, LPN

5-25-94  
Date

Steven M. Gloe  
Steven M. Gloe, Attorney  
Division of Enforcement

5.31.94  
Date



PDF: DE00000001607-19940708

Order Dates:  
JUL 08, 1994

Respondent Names:  
O'BRIEN, MARY A., LPN

Complaint IDs:  
93NUR252

Profession:  
LICENSED PRACTICAL NURSE

Boards:  
NUR

Short Description:  
LIMITED. WITHIN ONE YEAR SUBMIT DOCUMENTATION OF 12 CE HOURS.

Case Summary:  
DEPARTMENT HAS RECEIVED ALLEGATIONS FROM HER EMPLOYER STATING  
THAT ON SEVERAL OCCASIONS SHE WAS NEGLIGENT IN HER CHARTING AND  
ASSESSMENT OF PATIENTS.

