

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

MARGARET J. BUCHHOLZ, LPN,
RESPONDENT

FINAL DECISION AND ORDER
95 NUR 047

ORDER 0001622

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

Margaret J. Buchholz, LPN
N6265 Suburban Heights, Lot 2
Pardeeville, WI 53954

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. Margaret J. Buchholz (D.O.B. 8/11/33) is duly licensed as a practical nurse in the state of Wisconsin (license #13486). This license was first granted on May 18, 1973.

2. Ms. Buchholz's most recent address on file with the Wisconsin Board of Nursing is N6265 Suburban Heights, Lot 2, Pardeeville, WI 53954.

3. On or about October 21, 1994, Ms. Buchholz was working as a practical nurse at St. Clare Meadows Care Center, 1414 Jefferson Street, Baraboo, Wisconsin.

4. The Division has received allegations that Ms. Buchholz violated patient rights in her provision of care to resident MP on October 21, 1994. The allegations include 1) administration of medications without consent; and 2) use of inappropriate force in conjunction with the administration of the medications to the resident. Ms. Buchholz contests those allegations, but in resolution of this matter consents to entry of the following Conclusions of Law and Order.

*U.C. inappropriate force
use Admin meds*

*referred
stress management*

CONCLUSIONS OF LAW

By the conduct described above, Margaret J. Buchholz 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 §N7.04(4).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Margaret J. Buchholz, LPN is REPRIMANDED.

IT IS FURTHER ORDERED that

Within nine (9) months from the date of this order Ms. Buchholz shall submit documentation of successful completion of at least eight (8) hours of continuing education or other training acceptable to the Board in the area(s) of stress and/or anger management. 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 a statement signed by Ms. Buchholz verifying that she attended the course in its entirety.

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

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. Buchholz'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:

Samuel D. Howard
A Member of the Board

7/7/05
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARGARET J. BUCHHOLZ, LPN,	:	95 NUR 047
RESPONDENT	:	

It is hereby stipulated between Margaret J. Buchholz, 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. Buchholz's licensure by the Division of Enforcement. Ms. Buchholz consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Buchholz 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. Buchholz 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. Buchholz 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 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. Buchholz in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Margaret J. Buchholz SPN
Margaret J. Buchholz, LPN

June 11, 1995
Date

Michael J. Berndt
~~Steven M. Gloe, Attorney~~
Division of Enforcement
Michael J. Berndt, Attorney

6/21/95
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.

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:

JULY 12, 1995.

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: DE00000002051-19950707

Order Dates:

JUL 07, 1995

Respondent Names:

BUCHHOLZ, MARGARET J., LPN

Complaint IDs:

95NUR047

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

REPRIMANDED. COMPLETE 8 HOURS OF CE BY 04/07/96.

Case Summary:

VIOLATED PATIENT RIGHTS IN PROVISION OF CARE BY ADMINISTERING
MEDICATIONS WITHOUT CONSENT AND USE OF INAPPROPRIATE FORCE IN
CONJUNCTION WITH THE ADMINISTERING OF THE MEDICATIONS.

