

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION  
 : AND ORDER  
PEGGY KARR, L.P.N., : LS9604033NUR  
RESPONDENT. :  
-----

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 Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

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 12th day of September 1996.

Timothy D. Burns CRNA

State of Wisconsin  
Before the Board of Nursing

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In the Matter of Disciplinary Proceedings Against

PEGGY KARR, L.P.N..  
Respondent.  
Case No. LS 9604033 NUR

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PROPOSED DECISION

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The parties to this proceeding for purposes of s. 227.53, Stats., are:

Peggy Karr, L.P.N.  
4062 North 71st Street  
Milwaukee WI 53216

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison WI 53708

Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison WI 53708

A Notice of Hearing and Complaint were filed in the above captioned matter on April 3, 1996. A copy of the Notice of Hearing and Complaint were served by certified mail on the same date upon the Respondent, and a return receipt for the certified mail indicates receipt of the Notice of Hearing and Complaint at the Respondent's address on April 4, 1996. No answer to the Complaint, nor other response or communication, by the Respondent was received by the Administrative Law Judge. The hearing in this matter was held as scheduled on May 7, 1996. Attorney James Polewski appeared at the hearing on behalf of the Division of Enforcement. There was no appearance by or on behalf of Respondent Peggy Karr. The Division moved for a finding of default pursuant to s. RL 2.14, Wis. Admin. Code. The Respondent was found in default for having failed to file an answer to the complaint and having failed to appear in person or by counsel at the hearing, and accordingly the motion for default was granted. The Division of Enforcement then presented a prima facie case supporting the allegations of the complaint. Pursuant to s. RL 2.14, Wis. Admin. Code, on the default of Respondent Karr, the Board of Nursing may decide this matter on the allegations of the complaint, which are deemed admitted by Respondent's failure to answer the complaint and failure to appear at the hearing.

On the basis of the entire record in this matter, the Administrative Law Judge recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law and Order as its Final Decision in this matter:

#### FINDINGS OF FACT

1. Peggy Karr, L.P.N., was born on June 16, 1948, and is licensed to practice as a licensed practical nurse in Wisconsin pursuant to license 22777, first granted on June 6, 1980.
2. On April 25, 1995, Karr was employed as a licensed practical nurse at Shorewood Heights Health Care Center, a nursing home in Shorewood, Wisconsin.
3. On April 25, 1995, Patient F.J. was a resident at the Shorewood Heights Health Care Center, recovering from a stroke. Patient F.J. is a diabetic, overweight woman, who as a result of the stroke was partially paralyzed on her left side. As a result of her condition, F.J. needed assistance from the nursing staff to position herself comfortably, especially her left arm and shoulder.
4. On April 25, 1995, Karr answered a call light for patient F.J. Patient F.J. indicated to Karr that she needed her left shoulder and arm repositioned because of pain. Karr moved the patient's left arm, and left the room. Patient F.J. again activated the call light. A Certified Nursing Assistant (CNA) answered the call light, and positioned F.J.'s shoulder comfortably.
5. Shortly thereafter, F.J.'s arm fell off the pillow on which the CNA had positioned it to hold the shoulder in place, and F.J. again activated the call light. Respondent Karr answered the call light, but did not reposition F.J. Instead, Karr told Patient F.J. not to put the call light back on. Patient F.J. told Karr that she wanted to be turned; in response, Karr said in substance, "You're just feeling sorry for yourself." Patient F.J. stated that she could not help that, to which Karr responded "Yes, you can. The reason you're in this shape is because you have to go on a diet so you can turn yourself." Karr then told Patient F.J. about Karr's deceased child, and urged Patient F.J. to pray, to "get on your knees and ask for help" and emphasized that Patient F.J. had caused her own problems because she was overweight. Nurse Karr did not desist from her scolding of Patient F.J. until after Patient F.J. was in tears.
6. F.J. put the call light on again, seeking assistance to reposition her arm and shoulder. In the meantime, Karr had instructed the CNAs not to respond to F.J.'s call light. Following the direction from Karr, nobody responded to Patient F.J.'s call light for approximately 15 minutes, during which time the nursing assistants and Karr were aware that Patient F.J. was calling for assistance. Eventually, despite Karr's instructions, the nursing assistants did respond to Patient F.J., and did reposition the patient's left shoulder.
7. F.J. complained to the Director of Nursing about the treatment she received from Karr. The Director of Nursing interviewed Karr about the complaint that Patient F.J. had made. During the interview, Karr agreed that she had spoken to the patient about Karr's deceased child

as an example to the patient, and that she saw nothing wrong with doing so despite the Director of Nursing's admonition that it was inappropriate, especially in the accusatory manner described by Patient F.J.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07, Stats.
2. By refusing to assist Patient F.J., directing certified nursing assistants under her authority not to respond to F.J.'s calls for nursing assistance, and by scolding Patient F.J. until the patient was in tears, Karr violated ss. N 7.04(4) and (9), Wis. Admin. Code, and therefore Peggy Karr, L.P.N., is subject to disciplinary action against her license to practice as a licensed practical nurse pursuant to sec. 441.07(1)(d), Stats., and is subject to assessment of costs of investigation and this proceeding under sec. 440.22, Stats.

#### ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license to practice as a licensed practical nurse of Peggy Karr, L.P.N., is hereby REVOKED, effective 10 days following the date of this order.

IT IS FURTHER ORDERED that costs of investigation and proceeding in this matter are hereby assessed against Peggy Karr pursuant to sec. 440.22, Stats., and shall be paid to the Department of Regulation and Licensing at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708-8935, not later than 60 days following the date of this order.

#### OPINION

As noted above, Respondent Peggy Karr failed to file an answer to the complaint in this matter, and failed to appear in person or by counsel at the hearing. Accordingly, pursuant to sec. RL 2.14, Wis. Adm. Code, Karr was found to be in default, and the allegations of the complaint are deemed admitted. In addition, the Division of Enforcement presented a prima facie case supporting the allegations of the complaint. Pursuant to sec. RL 2.14, in view of Karr's default, the Board of Nursing may make findings and enter an order on the basis of the allegations of the complaint and other evidence. Based upon the allegations of the complaint and the evidence presented at the hearing, it is satisfactorily established that Karr has violated N 7.04 (4) and (9), Wis. Adm. Code.

Unprofessional conduct is defined in Section N 7.04 (4) and (9), Wis. Adm. Code, as follows:

N 7.04 Misconduct or unprofessional conduct. As used in s. 441.07(1)(d), Stats., "misconduct or unprofessional conduct" means any practice or behavior which violates the minimum standards of the profession necessary for the protection of the health,

safety or welfare of a patient or the public. "Misconduct or unprofessional conduct" includes, but is not limited to, the following:

...

(4) Abusing a patient by any single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury, or mental anguish or fear;

...

(9) Failing or refusing to render nursing services to a patient because of the patient's race, color, sex, age, beliefs, national origin, or handicap;

Peggy Karr's conduct and actions toward patient F.J. on April 25, 1995 violated N 7.04 (4) and (9) in four respects. First, Karr scolded F.J. for her inability to care for herself to the point that F.J. was reduced to tears. Such conduct amounts to abuse by harassment and mental pressure which in fact led to mental anguish on the part of the patient. Karr's conduct in this regard clearly comes within the meaning of N 7.04 (4) as unprofessional conduct.

Secondly, Karr herself refused to respond to F.J.'s call light for assistance, resulting in an unreasonable prolongation of the patient's pain and discomfort. Her refusal was not just simple neglect, but intentional neglect, and therefore amounts to abuse by neglect of a patient. Such conduct is also a violation of N 7.04(4).

Thirdly, Karr instructed the certified nursing assistants working under her not to respond to F.J.'s call light, with the consequence that F.J. was not assisted for a period of time by any other nursing staff who were available and prepared to respond. Karr's direction to the CNAs not to respond constitutes a compounded, aggravated violation of N 7.04(4), in that she intentionally obstructed the provision of nursing care by others prepared to respond to the needs of the patient. Again, this conduct constitutes abuse by neglect, that resulted in continuing pain and discomfort of the patient.

Finally, Karr's verbal scolding of the patient evidenced a prejudice against the patient because of her condition of being overweight, and it is readily inferable that Karr's refusal to respond to the patient's calls for assistance and direction to the CNAs not to respond stemmed from such aversion. Karr's intentional neglect of the patient and her obstruction of the provision of care by other nursing staff, because of intolerance of the patient's overweight condition, constitutes a violation of N 7.04(9).

The Division of Enforcement argued that Peggy Karr's license to practice as a licensed practical nurse should be revoked, until such time as Ms. Karr demonstrates to the satisfaction of the Board of Nursing that she is fit to practice as a nurse in accordance with the standards of the profession. The Division noted that Ms. Karr not only had failed to respond to the complaint in this proceeding, but also was uncooperative in the nursing home investigation of the incident.

The purposes for imposing discipline are a) to promote the rehabilitation of the licensee; b) to protect the public; and c) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment is not an appropriate consideration or purpose for discipline. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

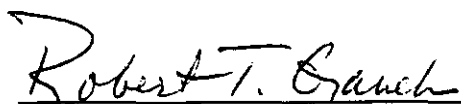
It is the opinion of the undersigned that the license of Peggy Karr to practice as a licensed practical nurse should be revoked, as recommended by the Division of Enforcement. Protection of the public is of paramount importance in determining the appropriate discipline in this case. As noted above, Ms. Karr's violations were not simply of unintentional omission or neglect, but were intentional and aggravated by her interference and obstruction of the provision of care by other nursing staff, and motivated by a prejudice toward and intolerance of the conditions of the patient under her care. Ms. Karr's conduct evidenced a callous disregard of the principles of providing care and comfort to the ill in a manner that is conducive to the patient's health and well being, which are fundamental to the practice of the nursing profession. Revocation of license is the only appropriate discipline to protect the public and similarly disabled patients from the type of unacceptable conduct Ms. Karr displayed in this matter.

The disciplinary purpose of deterrence will also be served by revocation. Other licensees in the nursing profession will be put on notice that the type of conduct engaged in by Ms. Karr will not be tolerated, and would be met with stern discipline. Furthermore, revocation will operate to serve the interests of rehabilitation. By such measure, should Ms. Karr seek to become licensed again, the Board of Nursing may require Ms. Karr to demonstrate by appropriate means fitness and competency to practice nursing in a manner that is respectful and caring toward the patients that would be in her charge.

Finally, the Division of Enforcement requests that costs of this proceeding be assessed against Ms. Karr pursuant to sec. 440.22, Wis. Stats. Under the terms of sec. 440.22, the Board may assess costs in any disciplinary proceeding in which discipline is imposed. The decision is discretionary with the Board whether to impose all or part of the costs of this proceeding. Based upon the record in this matter, assessment of the entire costs of this proceeding against Ms. Karr is clearly appropriate. The costs of this disciplinary action should be borne by Ms. Karr as the offending licensee, rather than by the profession as a whole through license fees.

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 3rd day of July, 1996.

  
\_\_\_\_\_  
Robert T. Ganch  
Administrative Law Judge

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

-----  
IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

PEGGY KARR, L.P.N., :  
RESPONDENT. :

AFFIDAVIT OF SERVICE

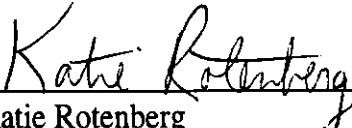
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Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 16, 1996, she served the following upon the respondent:

Final Decision and Order dated September 12, 1996, LS9604033NUR

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

4062 North 71st Street  
Milwaukee, WI 53216  
Certified P 213 148 291

an address which appears in the files and records of the Board of Nursing as the respondent's last known address.

  
\_\_\_\_\_  
Katie Rotenberg  
Department of Regulation and Licensing

Subscribed and sworn to before me

this 16<sup>th</sup> day of September, 1996.

  
\_\_\_\_\_

Notary Public  
Dane County, Wisconsin  
My Commission is Permanent





State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings  
Secretary

Tommy G. Thompson  
Governor

1400 E. WASHINGTON AVENUE  
P O BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

September 27, 1996

PEGGY KARR, L.P.N.  
4062 NORTH 71ST STREET  
MILWAUKEE WI 53216

RE: In The Matter of Disciplinary Proceedings Against Peggy Karr, L.P.N.,  
Respondent, LS9604033, Assessment of Costs

Dear Ms. Karr:

On September 12, 1996, the Board of Nursing issued an order involving your license to practice nursing. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Board Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$685.56.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Board of Nursing, Room 174, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before October 12, 1996. After reviewing the objections, if any, the Board of Nursing will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack  
Administrative Assistant  
Office of Board Legal Services

Enclosures

cc: Board of Nursing  
Department Monitor

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : ORDER FIXING COSTS  
 : Case #LS9604033NUR  
PEGGY KARR, L.P.N., :  
RESPONDENT. :

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On September 12, 1996, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about August 20, 1996, the board received the *Affidavit of Costs* in the amount of \$354.90, filed by Attorney James E. Polewski. On or about September 24, 1996, the board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of \$230.66, filed by Administrative Law Judge Robert T. Ganch. The board considered the affidavits on November 8, 1996, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$685.56, which is 100% of the costs set forth in the affidavits of costs of Robert T. Ganch and James E. Polewski, which are attached hereto and made a part hereof, are hereby assessed against Peggy Karr, and shall be payable by him/her to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before December 9, 1996, which is the deadline for payment established by the board, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 19 day of November 19 96

 Lushy D. Burns CRNA

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 19, 1996, the Board of Nursing  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$685.56 Case #: LS9604033NUR

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 685.56

The costs and/or forfeitures are due: December 19, 1996

NAME: Peggy Karr LICENSE NUMBER: 22777

STREET ADDRESS: 4062 North 71st Street

CITY: Milwaukee STATE: WI ZIP CODE: 53216

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

**For Receipting Use Only**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST:

PEGGY KARR, L.P.N.,  
RESPONDENT.

[Case No. LS 9604033 NUR]

AFFIDAVIT OF COSTS  
OFFICE OF BOARD LEGAL SERVICES  
(SEC. 440.22, STATS.)

STATE OF WISCONSIN    )  
                                  )ss.  
COUNTY OF DANE        )

Robert T. Ganch, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation & Licensing, Office of Board Legal Services.
2. In the course of his employment, your affiant was assigned as administrative law judge in the above-captioned matter.
3. Set out below are the time and actual costs of the proceeding for the Office of Board Legal Services in this matter.

ADMINISTRATIVE LAW JUDGE EXPENSE

Robert T. Ganch

DATE &  
TIME SPENT

ACTIVITY

4/3/96  
10 minutes

Review ALJ hearing file, complaint

5/7/96  
1 hour

Review Complaint  
Conduct Hearing

7/2/96  
2 hours, 30 minutes

Review Tape of Hearing  
Prepare Proposed Decision

7/3/96  
2 hours

Complete Proposed Decision

Total Time Spent.....5 hours 40 minutes

Total administrative law judge expense for Robert T. Ganch:  
5 hours, 40 minutes @ \$36.44, salary and benefits:.....\$206.24

REPORTER EXPENSE

-0-

DATE &  
TIME SPENT

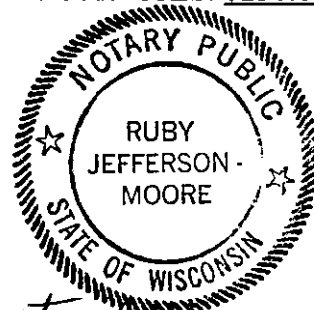
ACTIVITY

-0-

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES: \$230.66

Robert T. Ganch

Robert T. Ganch  
Administrative Law Judge



Sworn to and subscribed before me this 24<sup>th</sup> day of September, 1996.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin  
My commission is permanent

rig

State of Wisconsin  
Before the Board of Nursing

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In the Matter of Disciplinary Proceedings Against

Peggy Karr, L.P.N.  
Respondent  
Case No. LS 9604033 NUR

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Division of Enforcement Affidavit of Costs  
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State of Wisconsin,  
Dane County:

James E. Polewski, being first duly sworn on oath, deposes and says

1. He is an attorney licensed to practice in Wisconsin, and employed by the Department of Regulation and Licensing, Division of Enforcement.

2. In the course of that employment, he was assigned to prosecute this case, and in that assignment he expended the following time and committed the Department to the payment of the following expenses:

<u>Date</u>	<u>Activity</u>	<u>Time</u>
12/6/95	File review, investigation direction	.5 hour
3/12/96	Draft complaint, notice of hearing	.5 hour
5/1/96	Telephone conference, witness	.25 hour
5/7/96	Hearing	<u>.5 hour</u>
	Total Attorney Time	1.75 hours

Assessable costs, Attorney time, 1.75 hours @ \$42.00: \$73.50

In addition, the Department is committed to the expense of an investigator for the following:

<u>Date</u>	<u>Activity</u>	<u>Time</u>
12/15/95	Appointment with Nursing Home, phone calls	3.5 hours
12/18/95	Transcribe interview notes	1 hour
	Letter, request patient information	.25 hour
1/5/96	Two investigators, interview patient	5.5 hours
1/8/96	Summary of patient statement, letter	2.25 hours
2/6/96	Letter to patient, phone calls, file preparation	<u>.9 hour</u>
	TOTAL INVESTIGATOR TIME:	13.4 hours

Total Investigator Expense, 13.4 hours @ \$21.00: \$281.40

Total Assessable Costs, Division of Enforcement: \$354.90

James E. Polewski  
James E. Polewski

Sworn to and subscribed before me this 20th day of August, 1996.

Sharon Hemes

Notary Public

My Commission Expires December 13, 1998

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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:**

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:**

September 16, 1996

### **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.)