

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 :
 :
GRACE W DECKER L.P.N., : FINAL DECISION AND ORDER
RESPONDENT : 95 NUR 158
 :
 : ORDER 0001669

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Grace W. Decker
234 Kellogg Avenue
Janesville, WI 53546

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. Grace W. Decker, L.P.N. (D.O.B. 09/02/37) is duly licensed as a practical nurse in the state of Wisconsin (license #27455). This license was first granted on November 28, 1984.
2. Ms. Decker's most recent address on file with the Wisconsin Board of Nursing is 234 Kellogg Avenue, Janesville, WI 53546.
3. On or about June 29, 1995, Ms. Decker interviewed for a transfer position from Mt. Sinai to Park Manor Health Care Center (hereafter, Park Manor). At the interview for this position, Ms. Decker falsely presented herself as a holder of a Graduate Nurse permit.

4. On or about June 30, 1995, Ms. Decker was transferred to Park Manor and worked at that facility as a graduate nurse until her termination on August 25, 1995. At the time of her transfer, the Personnel Director of Park Manor requested Ms. Decker to produce her graduate nurse license.

5. On or about August 25, 1995, and after repeated requests by the Personnel Director for production of her Graduate Nurse Permit, Ms. Decker submitted a copy of a permit bearing the license number X000381. License number X000381 was issued to an individual other than Ms. Decker; the Board of Nursing has never issued a Graduate Nurse Permit to Ms. Decker.

6. In resolution of this matter, Ms. Decker consents to the entry of the following Conclusions of Law and Order as a reasonable accomodation to allow her an opportunity to continue her nursing career, in light of the facts and circumstances of this case.

CONCLUSIONS OF LAW

Grace W. Decker is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to sec. 441.07(1), Wis. Stats. and Wisconsin Administrative Code § N 7.04(8).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Grace W. Decker to practice as a practical nurse in the state of Wisconsin (#27455) shall be **SUSPENDED** for a period of **SIXTY (60)** days.


IT IS FURTHER ORDERED that Grace W. Decker shall pay to the Department of Regulation and Licensing partial costs of this proceeding in the amount of **TWO HUNDRED** dollars (\$200.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Wisconsin Department of Regulation and Licensing
Attn: Michelle Neverman, Department Monitor
P.O. Box 8935
Madison, WI 53708.

IT IS FURTHER ORDERED that in the event Grace W. Decker fails to timely submit payment of the partial costs as set forth above, her license to practice as a practical nurse in the state of Wisconsin (#27455) shall be indefinitely suspended, without further notice or hearing, until Ms. Decker has complied with the terms of this Order.

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

BOARD OF NURSING

By: 
A Member of the Board

Date 1/12/96

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
GRACE W DECKER L.P.N.,	:	STIPULATION
RESPONDENT	:	95 NUR 158

It is hereby stipulated between Grace Decker, 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. Decker's licensure by the Division of Enforcement (95 NUR 158). Ms. Decker consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Decker 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 Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Decker is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Decker 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 Grace W. Decker. If the Board accepts the Stipulation, Ms. Decker's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Ms. Decker 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 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 Ms. Decker in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Grace W. Decker L.P.N.
Grace W. Decker, L.P.N.

11-22-1995
Date

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

11-22-95
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416
TRS# 1-800-947-3529 ^{hearing or speech} _{impaired only}

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On JANUARY 12, 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: \$200.00 Case #: 95 NUR 158

The amount of the forfeiture is: _____ Case #: _____

Please submit a check or a money order in the amount of \$ 200.00

The costs and/or forfeitures are due: MARCH 12, 1996

NAME: GRACE W. DECKER LICENSE NUMBER: 27455

STREET ADDRESS: 234 KELLOGG AVENUE

CITY: JANESVILLE STATE: WI ZIP CODE: 53546

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**

#2145 (4/95)

Ch. 440.22, Stats.

For Receipting Use Only

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:

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 17, 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.)



PDF: DE00000002075-19960112

Order Dates:
JAN 12, 1996

Respondent Names:
DECKER, GRACE W., LPN

Complaint IDs:
95NUR158

Profession:
LICENSED PRACTICAL NURSE

Boards:
NUR

Short Description:
SUSPEND 60 DAYS. COSTS

Case Summary:
FALSELY PRESENTED HERSELF AS A HOLDER OF A GRADUATE NURSE PERMIT.
AFTER REPEATED REQUESTS SHE SUBMITTED A COPY OF A PERMIT THAT WAS
ISSUED TO ANOTHER PERSON.

