

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**FILE COPY**

**State Of Wisconsin  
Before The Board Of Nursing**

In The Matter Of Disciplinary Proceedings Against

Margaret A. Rose, R.N.,  
Respondent.

FINAL DECISION AND ORDER  
Case #96 NUR 092

LS9707116NUR

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

Margaret A. Rose, R.N.  
2404 Sycamore Drive. Apartment #12  
Green Bay, WI 54311

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 attached Stipulation. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Margaret A. Rose, R.N., was born December 30, 1953, and is licensed to practice in the state of Wisconsin as a registered nurse pursuant to license #0111867. This license was first granted on November 12, 1992.
2. On February 23, 1995, Ms. Rose was a night nurse at Heartland of Shawano, with patient JW under her care.
3. At 0035, Ms. Rose noted changing conditions in JW, and attempted to contact JW's physician. JW's condition was unchanged when Ms. Rose checked him at 0050.
4. When Ms. Rose checked JW again at 0110, the patient had no pulse, respirations or blood pressure. She did not attempt to resuscitate JW, but instead left the room immediately to begin arrangements for notifying JW's family.
5. There were no indications in JW's file indicating he did not want CPR performed.

## CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to § 441 07. Stats.
2. By failing to attempt to resuscitate patient JW, Ms. Rose violated § N 7.03 (1) (b)

## ORDER

NOW, THEREFORE, the license previously issued to Margaret A. Rose, R.N., is LIMITED by the following conditions:

1. Ms. Rose shall, within nine (9) months of the date of this order, submit documentation acceptable to the Board showing successful completion of continuing education in the following areas:
  1. Nursing responsibilities, with particular attention to legal duties and patient safety (including reporting changes in patient status);
  2. Nursing ethics;
  3. Assessment and evaluation; and
  4. Cardiopulmonary resuscitation.

Ms. Rose shall obtain pre-approval of one or more courses from the Board or its designated agent before she takes the course(s) in fulfillment of this requirement.

2. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P. O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-7139

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

By:   
A Member of the Board

11 July 1997  
Date

cbm

**State Of Wisconsin  
Before The Board Of Nursing**

In The Matter Of Disciplinary Proceedings Against

Margaret A. Rose, RN  
Respondent.

STIPULATION  
Case #96 NUR 092

It is hereby stipulated between Margaret A. Rose, personally on her own behalf, and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement into Ms. Rose's license. The stipulation and the proposed Final Decision and Order shall be presented directly to the Board of Nursing for its consideration and adoption.
2. Ms. Rose consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
3. Ms. Rose is aware of and understands each of 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;
  - The right to be represented at every stage of the proceeding, including the making of any stipulation by an attorney of her own choosing, at her own expense; and
  - All other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
4. Ms. Rose understands that by signing this stipulation she voluntarily and knowingly waives the rights enumerated in paragraph 3 above, is aware of her right to seek legal representation, and does voluntarily and knowingly waive those rights.
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.

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

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In the Matter of the Disciplinary Proceedings Against

Margaret A. Rose, R.N.,

AFFIDAVIT OF MAILING

Respondent.

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STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On July 15, 1997, I served the Final Decision and Order dated July 11, 1997, LS97071116NUR, upon the Respondent Margaret A. Rose, R.N. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 341.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Margaret A. Rose, R.N.  
2404 Sycamore Drive, Apt. 12  
Green Bay WI 54311



\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me  
this 15<sup>th</sup> day of July, 1997.



\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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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

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

July 15, 1997

### **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.)