

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
LAURALEE L. THEAMA, LPN	:	LS9803121NUR
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 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 9th day of July 1998.


A Member of the Board

**STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**PROPOSED DECISION
Case No. LS-9803121-NUR**

**LAURALEE L. THEAMA, LPN,
RESPONDENT.**

PARTIES

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Lauralee L. Theama
2067 Cliff-Alex Ct, South
Unit A-3
Waukesha, WI 53186

Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

This matter was commenced by the filing of a Notice of Hearing and Complaint on March 12, 1998. A hearing was held on April 29, 1998. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Lauralee Theama, appeared at the hearing in person and without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Lauralee L. Theama (d.o.b. 9/8/55), 2067 Cliff-Alex Court, South, Unit A-3, Waukesha, WI, is duly licensed in the state of Wisconsin to practice as a practical nurse (license #16111). This license was first granted on May 25, 1975.

2.

2. On March 20, 1997, the Wisconsin Board of Nursing issued a disciplinary order which limited Ms. Theama's license to practice as a practical nurse. Several limitations and conditions relating to her scope of practice were imposed including, but not limited to, a requirement that Ms. Theama arrange for quarterly reports to be submitted to the Board from her nursing employer (s) evaluating her work performance. The Board also ordered Ms. Theama to pay \$200.00 in costs within 90 days from the date of the Order.

3. On April 29, 1998, at the hearing held in this matter, respondent submitted two work performance evaluation reports from her employer, Marquardt Memorial Manor, evaluating her work performance. Both of the reports were signed by Kathryn Hoffman, RN, night supervisor. The first report is date July 3, 1997, and the second report is dated October 17, 1997.

4. On May 7, 1998, Nurse Hoffman submitted 2 additional work performance reports to the Board of Nursing on behalf of respondent's employer, Marquardt Memorial Manor, Watertown, Wisconsin. Both work reports are dated May 4, 1998. The first report is identified as the "January 1998 Report" and the second report is identified as the "Report for April 1998".

5. On May 13, 1998, respondent paid \$200.00 for the costs assessed by the Board in its March 20, 1997, Order.

6. Respondent failed to arrange for the timely submission of quarterly work reports by her nursing employer(s) to the Board of Nursing as ordered by the Board in its March 20, 1997, Final Decision and Order.

7. Respondent failed to timely pay the costs assessed by the Board of Nursing as ordered in its March 20, 1997, Final Decision and Order.

8. Respondent failed to file an Answer to the Complaint filed in this matter.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07 (1), Stats., and ch. N 7, Wis. Adm. Code.

2. By having engaged in conduct as described in Findings of Fact 6 and 7, herein, respondent violated s. 441.07 (1) (b) and (d), Stats., and s. N 7.04 (14) and (15), Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the respondent, Lauralee L. Theama, be and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

1. Until such time as ordered by the Board, the Order contained in its Final Decision and Order, dated March 20, 1997, relating to the respondent shall remain in effect.

2. The Complainant's Motion for Default be and hereby is denied.

This order is effective on the date on which it is signed by a designee of the Board of Nursing.

OPINION

This matter was commenced by the filing of a Notice of Hearing and Complaint on March 12, 1998. Respondent did not file an Answer to the Complaint. A hearing was held on April 29, 1998. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Lauralee Theama appeared at the hearing in person and without legal counsel.

I. Violations

The evidence presented establishes that Ms. Theama failed to timely arrange for the submission of quarterly work performance evaluation reports to the Board, and that she failed to pay the cost of the proceeding in a timely manner as ordered by the Board.

Ms. Theama was first granted a license to practice as a licensed practical nurse in Wisconsin in May 1975. In February 1997, Ms. Theama signed a Stipulation in which she admitted that in May 1995, her Wisconsin nursing registration expired and that she did not renew it until March, 1996; that between May 1995 and March 1996, she continued to work as a nurse for Linden Grove Health Care Center in Waukesha, Wisconsin; that in February 1996, she attended a job interview at Waukesha Memorial Hospital and presented an altered licensure card as evidence of current licensure and that she altered her license by changing the expiration date from 1995 to 1997.

On March 20, 1997, based upon the Stipulation signed by Ms. Theama, the Board of Nursing issued a disciplinary order requiring Ms. Theama to comply with certain conditions, including but not limited to, arranging for the submission of quarterly reports to the Board from her nursing employer(s) evaluating her work performance. Ms. Theama was also ordered to pay \$200.00 in cost within 90 days of the date of the Order.

In reference to her work performance evaluations, Ms. Theama offered into evidence at the hearing two reports from her employer, Marquardt Memorial Manor, relating to her work performance. Both reports were signed by Ms. Theama's supervisor, Kathryn Hoffman, RN. The first report is dated July 3, 1997, and the second report is dated October 17, 1997. At the hearing, Ms. Theama stated that she delayed submitting the July and October reports because she wanted to send them along with her payment for costs. She said that she was having some difficulty accumulating the \$200.00 and that as a result the reports were never submitted to the Board. She indicated that she had also talked with her supervisor regarding submitting additional reports, but only the two reports were prepared. Before the conclusion of the hearing, Ms. Theama was allowed additional time to contact her supervisor and request that the supervisor forward additional reports directly to the Board. *Exhibits 2 and 3.*

On May 7, 1998, Nurse Hoffman submitted 2 additional reports to the Board Monitor, Michelle Neverman, relating to Ms. Theama work performance. One report is identified as the "January 1998 Report" and the other report is identified as the "Report for April 1998". Both reports are dated May 4, 1998. *Exhibit 4.*

In reference to the failure to pay costs in a timely manner, as noted previously, Ms. Theama indicated that she had difficulties accumulating the \$200.00. She stated at the hearing that she had \$190.00 at that time but could not obtain the other \$10.00. She was given additional time to show evidence of payment. In May 1998, Ms. Theama submitted evidence that on May 13, 1998, she paid \$200.00 to the Department of Regulation and Licensing for the costs assessed by the Board. *Exhibit #5*.

II. Discipline

The evidence presented in this case establishes that the respondent violated s. 441.07 (1) (b) and (d), Stats., and s. N 7.04 (14) and (15), Wis. Adm. Code. Having found that Ms. Theama violated laws governing the practice of nursing in Wisconsin, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

The Board of Nursing is authorized under s. 441.07 (1), Stats., to reprimand a licensed practical nurse or limit, suspend or revoke the license of a licensed practical nurse if it finds that the individual has violated ch. 441, Stats., or any rule adopted by the Board under the statutes.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1969).

The Administrative Law Judge recommends that Ms. Theama be reprimanded, and that the limitations placed upon her license in the Board's Final Decision and Order, dated March 20, 1997, remain in effect. This measure is designed primarily to assure protection of the public and to deter other licensee from engaging in similar misconduct.

In reference to protection of the public, although the reports submitted by Nurse Hoffman relating to Ms. Theama's work performance are favorable, it is recommended that the Board's Final Decision and Order, dated March 20, 1997, remain in effect until it is determined that she can resume practice without limitations.

In reference to deterrence, it is recommended that Ms. Theama be reprimanded primarily to put other licensees on notice that complying with a Board Order is mandatory, not optional. A licensee who, for whatever reason, is unable to comply with a Board Order should notify the Board at the earliest opportunity. In this case, Ms. Theama testified that she obtained the reports from her supervisor but held them for the purpose of submitting them with her payment for costs. She had the opportunity to submit the reports in a timely manner, and to request an extension of time from the Board to pay the costs, but elected not to do so.

III. Motion for Default

At the beginning of the hearing held in this matter, the Complainant entered a motion for default on the record based upon Ms. Theama's failure to file an Answer to the Complaint.

Section RL 2.14, Wis. Adm. Code, states, in part, that if the respondent fails to answer as required by s. RL 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence. The disciplinary authority may, for good cause, relieve the respondent from the effect of such findings and permit the respondent to answer and defend at any time before the disciplinary authority enters an order or within a reasonable time thereafter.

Complainant's motion for default is denied for the following reasons: 1) Ms. Theama appeared at the hearing to defend herself in this matter; 2) Ms. Theama appeared in this matter without legal counsel, and 3) the Board may permit a respondent to answer and defend at any time before it enters an order or within a reasonable time thereafter,.

IV. Costs

Because of the difficulties Ms. Theama had in obtaining the \$200.00 to pay the cost ordered in the previous proceeding, it is recommended that no costs be assessed in this case. Therefore, the proposed Order does not contain a provision assessing costs.

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 10th day of June, 1998

Respectfully submitted,

Ruby Jefferson-Moore

Ruby Jefferson-Moore

Administrative Law Judge

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

In the Matter of Disciplinary Proceedings Against

Lauralee L. Theama, LPN,

AFFIDAVIT OF MAILING


Respondent.

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 14, 1998, I served the Final Decision and Order dated July 9, 1998, LS9803121NUR, upon the Respondent Lauralee L. Theama, LPN 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 Z 233 819 553.
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:

Lauralee L. Theama, LPN
2067 Cliff-Alex Court, South
Unit A-3
Waukesha WI 53186



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 15th day of July, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: LAURALEE L THEAMA LPN

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/14/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935