

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
KAY E. CLINE, L.P.N. : 96 NUR 122  
RESPONDENT :

LS 9805085 NUR

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

Kay E. Cline, L.P.N.  
W11054 W. Harmony Dr.  
Lodi, WI 53555

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. Kay E. Cline (D.O.B. 07/03/42) is duly licensed as a practical nurse in the state of Wisconsin (license #5195). This license was first granted on March 20, 1964.
2. Ms. Cline's most recent address on file with the Wisconsin Board of Nursing is W11054 W. Harmony Dr., Lodi, WI 53555.
3. On or about May 5, 1996, Ms. Cline was working as a practical nurse at Good Samaritan Center, 700 Clark St., Lodi, Wisconsin 53555.
4. On or about May 5, 1996, Ms. Cline violated patient rights in her provision of care to resident AY, a 96 female with dementia and a documented history of throwing food at meal times: Ms. Cline placed the resident in a gait belt and lowered her to the floor to clean up the mess that AY had made by throwing food. AY retained no recollection of the incident.

5 In response to this incident, Ms. Cline was counseled by her employer and attended a seminar on "Improving Quality and Efficiency in the Long Term Care Workplace" in June 1996.

6. In resolution of this matter Ms. Cline consents to entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

By the conduct described above, Kay E. Cline 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), Stats., and Wis. Admin. Code §N7.04(4) and (15).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Kay E. Cline (#5195) is limited as follows:

#### SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

##### **Disclosure**

1. Kay E. Cline, L.P.N. shall provide any current or prospective nursing employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which the Order is in effect.

##### **Continuing Education**

2. Within six (6) months of the effective date of this Order, Respondent shall submit documentation of successful completion of at least eight (8) hours of continuing education or other training acceptable to the Board exclusively in the area(s) of stress and/or anger management and at least eight (8) hours of continuing education acceptable to the Board in the area of geriatric nursing. 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 Respondent verifying that she attended the course(s) in its (their) entirety.

##### **Required reporting**

3. Respondent shall report to the Department Monitor any change in employment status, change of residence address or phone number, within five (5) days of any such change.
4. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. An employer shall report **immediately** to the Department Monitor any violation or suspected violation of patient rights by respondent.

### **Petition for return to full and unrestricted license status**

5. At any time following completion of one year of complete and continuous compliance with the terms of this Order. Respondent may petition the Board to revise or eliminate any and all of the above conditions. The Board of Nursing may in its discretion require that Ms. Cline personally appear before the Board in conjunction with a petition under this paragraph to answer any questions the Board may have concerning this matter. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

### **Department monitor**

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

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

### **Costs**

7. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing COSTS of the investigation of this action in the sum of ONE HUNDRED and FIFTY dollars (\$150.00). Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing.

### **SUMMARY SUSPENSION**

8. 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 Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

**EFFECTIVE DATE OF ORDER**

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

BOARD OF NURSING

By: Richard E. Lindgren, RN MSN Vice Chair May 8, 1998  
On behalf of the Board Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

KAY E. CLINE, LPN,  
RESPONDENT

:  
:  
STIPULATION  
96 NUR 122  
:

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It is hereby stipulated between Kay E. Cline, 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 (Case file # 96 NUR 122) of Ms. Cline's licensure by the Division of Enforcement. Ms. Cline consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Cline 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. Cline 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. Cline 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. Cline in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Kay E. Cline L.P.N.  
Kay E. Cline, L.P.N.

3-19-98  
Date

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

3.23.98  
Date

# 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 May 8, 1998, 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: \$150.00 Case #: LS9805085NUR

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

Please submit a check or a money order in the amount of \$ 150.00

The costs and/or forfeitures are due: August 6, 1998

NAME: Kay E. Cline LICENSE NUMBER: 5195

STREET ADDRESS: W11054 W. Harmony Drive

CITY: Lodi STATE: WI ZIP CODE: 53555

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

X COSTS \_\_\_\_\_ FORFEITURE

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

X 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.

G\BDLS\FM2145.DOC

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

In the Matter of the Disciplinary Proceedings Against

Kay E. Cline, L.P.N.,

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:

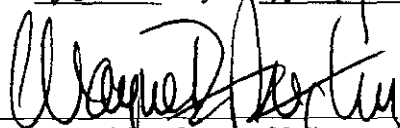
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On May 18, 1998, I served the Final Decision and Order dated May 8, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9805085NUR, upon the Respondent Kay E. Cline, L.P.N. by enclosing true and accurate copies of the above-described documents 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 221 158 905.
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:

Kay E. Cline, L.P.N.  
W11054 W. Harmony Drive  
Lodi WI 53555

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

Subscribed and sworn to before me

this 18th day of May, 1998.

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

## NOTICE OF RIGHTS OF APPEAL

TO: KAY E CLINE 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 5/18/98. 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