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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

CAROL A. PATEL, LPN,
RESPONDENT

FINAL DECISION AND ORDER
LS0102025NUR

Division of Enforcement Case No. 99 NUR 255

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

Carol A. Patel, LPN
10204 West Jonen Street.
Milwaukee, WI 53224

Board of Nursing
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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. Carol A. Patel (D.O.B. 04/09/56) is duly licensed as a practical nurse in the state of Wisconsin (license #22216). This license was first granted on December 5, 1979.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 10204 West Jonen Street, Milwaukee, WI 53224.
3. At all times relevant to this action, Respondent was working as a licensed practical nurse at Belair Health Care Center, 9350 West Fond du Lac Avenue, Wisconsin.
4. On or about August 28, 1999, Respondent slapped resident LS, an elderly patient assigned to Respondent's care. The resident's sister had requested Respondent to assess LS for seizure activity. Respondent in addition commented to staff in front of LS that Respondent hated LS and hated her sister even more.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to sec. 441.07, Stats.
2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. The conduct described above constitutes a basis for discipline under sec. 441.07(1)(d), Stats. and Wisconsin Administrative Code § N 7.04(4) and (15). Furthermore, the Findings of Fact set forth above constitute an agency finding of abuse within the meaning of secs. 48.685 and 50.065, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Carol A. Patel shall be LIMITED as follows:

Assessment

1. Within ninety [90] days from the date of this order, Respondent shall submit a current report of an independent mental health evaluation of Respondent performed by a health care provider acceptable to the Board. The person providing the mental health assessment shall have experience in treating anger management and/or abusive personalities.
 - a. Respondent shall obtain Board approval of the assessor prior to the assessment being performed.
 - b. The assessor shall submit a written report of his or her findings directly to the Board, including: a diagnosis of Respondent's condition (if any); recommendations for treatment; an evaluation of Respondent's level of cooperation in the assessment process; ability to work and work restriction recommendations; and Respondent's prognosis. The assessment shall reflect that the assessor has received and reviewed copies of this order as well as Division investigative materials regarding Respondent's behavior. To be considered current, the assessment shall be conducted within not more than thirty (30) days from the date of the petition.

Compliance

2. Respondent shall timely and fully comply with any recommended treatment, education, work restrictions or other recommendations made by her assessor. At a minimum Respondent shall within nine [9] months from the date of this order submit documentation of successful completion of therapy, continuing education or other training acceptable to the Board in the following areas (or in other areas acceptable to the Board):
 - a. At least twelve [12] hours of stress/anger management training; and
 - b. At least six [6] hours of training in dealing with difficult/combatative patients.
3. To be acceptable, the therapy, course or training shall be pre-approved by the Department Monitor. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Respondent verifying that she attended the course in its entirety.
4. Respondent shall be responsible for all expenses incurred by her in complying with the terms of this Order.

Summary suspension

5. In the event that Respondent fails to timely comply with the requirements set forth in paragraphs 1, 2 and 3 above, her Wisconsin license to practice as a practical nurse may be SUSPENDED, without further notice or hearing, until she has complied with the terms of this Order. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

Termination of limitations

6. Upon full and complete compliance with the requirements set forth above, Respondent may petition for removal of all limitations imposed pursuant to this Order. 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

7. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including approval of assessment providers, as well as coordinating all requests for approval of education. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

Effective date

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

BOARD OF NURSING

By: Ann Brewer

2-2-01

On behalf of the Board

Date