

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

TUNIS B. BEAL, LPN,
RESPONDENT

FINAL DECISION AND ORDER
LS0105036NUR

Division of Enforcement Case No. 99NUR365

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

Tunis B. Beal
621 Broadway
Wisconsin Dells, WI 53065

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. Tunis B. Beal (D.O.B. 06-05-43) is duly licensed as a practical nurse in the state of Wisconsin (license #12740). This license was first granted on December 28, 1972.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 621 Broadway, Wisconsin Dells, Wisconsin, 53065.
3. At all times relevant to this action, Respondent was working as a practical nurse at LindenGrove- New Berlin Health Care Center, 13755 West Fieldpointe Drive, New Berlin, Wisconsin.
4. On exact dates unknown, but at least on or about November 25, 1999 and November 27, 1999, Respondent added liquid that contained alcohol to patient juice pitchers at LindenGrove Health Care Center. Respondent did not have a physician's order for this action, nor did she chart the provision of an alcoholic beverage to any of the patients assigned to her care.
5. In resolution of this matter, Respondent consents to the issuance of the following Conclusions of Law and Order.

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 in paragraph 4, above, violated §§ N 7.03(1) and N 7.04 (1), (4) and (15), Wis. Adm. Code. Furthermore, the Findings of Fact set forth in paragraph 4 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

A. The Wisconsin nursing license of Tunis B. Beal (license #12740) is hereby **SUSPENDED** for AN INDEFINITE PERIOD OF TIME and UNTIL Respondent submits documentation acceptable to the Board of successful completion of a Caregiver Rehabilitation Review with the Wisconsin Department of Health and Family Services.

B. Following termination of the suspension referred to above, Respondent's license shall be **LIMITED** as follows:

Required reporting

1. For a period of at least one [1] year from the date of this Order, 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.
2. Within one (1) month from the date of this order, Respondent shall submit documentation acceptable to the Board of successful return demonstration of a full and working knowledge of patient rights, as set forth in Wisconsin Admin. Code §51.61.
3. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
4. Until otherwise ordered by the Board:
 - a. Respondent shall practice only in settings where she works under supervision by another nurse or other licensed health care professional;
 - b. Respondent shall refrain from nursing employment as a pool nurse, a visiting nurse or other home care practitioner; and
 - c. Respondent shall refrain from employment as a charge nurse.

Department Monitor

5. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving payment of costs and forfeitures, as well as coordinating all requests for approval of education or other petitions. 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) 261-7139

Termination of restrictions

6. Upon completion of: a) one [1] year of nursing employment under the terms of this Order; and b)

one [1] year of complete, successful and continuous compliance with the terms of this Order, Respondent may petition the Board to revise or eliminate any of the above conditions. 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 Wis. Stats. §§227.01(3) and 227.42.

C. SUMMARY SUSPENSION

7. 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.

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

BOARD OF NURSING

By: Ann Brewer

5-3-01

On behalf of the Board

Date