

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:

PATRICIA BICKHAM ASHLEY, LPN,
RESPONDENT

FINAL DECISION AND ORDER
LS0106181NUR

Division of Enforcement Case No. 99 NUR 193

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

Patricia Bickham Ashley
4159 North 60th Street
Milwaukee WI 53216

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, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

In the interest of resolving this matter, Respondent neither admits nor denies the allegations against her and consents to the entry of the following Findings of Fact, Conclusions of Law and Order.

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

FINDINGS OF FACT

1. Patricia Bickham Ashley (D.O.B. 11/12/52) is duly licensed as a practical nurse in the state of Wisconsin (license #28220). This license was first granted on November 8, 1985.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 4159 North 60th Street, Milwaukee, WI 53216.
3. At all times relevant to this action, Respondent worked as a licensed practical nurse on the night shift at Hillside Healthcare Center, 8726 West Mill Road, Milwaukee, Wisconsin.
4. Between at least March, 1999 and June 16, 1999 Respondent instructed subordinate staff that they could sleep between completion of their midnight rounds and 04:30 rounds while under her supervision.
5. On or about May 20, 1999, June 8, 1999, June 11, 1999, June 16, 1999 and on other exact dates unknown Respondent herself slept while on duty following midnight rounds.

6. Respondent in addition routinely deactivated the nursing station sound for the residents' "call light" system during the time Respondent would be sleeping.

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. By the conduct described above, Patricia Bickham Ashley is subject to disciplinary action against her Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code § N7.03 and N7.04 (4) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Patricia Bickham Ashley LPN (license #28220) is REPRIMANDED.

IT IS FURTHER ORDERED that the Wisconsin nursing license of Patricia Bickham Ashley (license #28220) is LIMITED as follows:

1. Respondent shall comply with all statutes and code provisions relating to the practice of nursing.

Practice restrictions

2. 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 visiting nurse or other home care practitioner; and
 - c. Respondent shall refrain from working as a nurse on the night shift.

Required reporting

3. 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.
4. 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.

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 reports and 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

Petition for Termination of restrictions

6. Upon completion of: one [1] year of complete, successful and continuous compliance with the terms of this Order that includes one [1] year of nursing employment under 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.

Agency Caregiver Finding

7. If Respondent fails to fully and completely comply with all terms and conditions set forth above or if the Department receives a subsequent credible allegation against the respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services that the findings set forth in this Order shall thereafter constitute an agency finding of neglect for the purposes of secs. 48.685 and 50.065, Wis. Stats. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

SUMMARY SUSPENSION

8. Violation of any of the terms of this Order may in addition 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.

Effective date of Order

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

BOARD OF NURSING

By: Ann Brewer

8-2-01

On behalf of the Board

Date