

# 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 :		
	:	FINAL DECISION AND ORDER
DAVID E. ROBBINS, RN,	:	LS0210046NUR
RESPONDENT	:	

Division of Enforcement Case No. 02 NUR 014

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

David E. Robbins  
PO Box 107  
Palmyra WI 53156

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.

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

FINDINGS OF FACT

1. David E. Robbins (D.O.B. 05/23/1945) is duly licensed as a registered nurse in the state of Wisconsin (license #103959). This license was first granted on 03/16/1990.
2. Respondent’s most recent address on file with the Wisconsin Board of Nursing is PO Box 107, Palmyra, WI 53156.

3. On or about January 1, 2002, Respondent was working as a registered nurse at Rogers Memorial Hospital ["Rogers Memorial"], 34700 Valley Road, Oconomowoc, Wisconsin. Respondent was assigned to the adult/ older adult unit.

4. On January 1, 2002, Respondent provided care to CH, an elderly patient. CH was a new admission to Rogers Memorial.

5. The Department of Regulation and Licensing Division of Enforcement has received allegations that on January 1, 2002, Respondent handled CH roughly, spoke to her in a verbally abusive manner, and struck CH after the patient had struck him.

6. Respondent denies these allegations, but for the purposes of resolution of this matter consents 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. By the conduct described above, David E. Robbins is subject to disciplinary action against his Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code § N7.04.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that David E. Robbins RN (license #103959) is REPRIMANDED.

**IT IS FURTHER ORDERED** that the Wisconsin nursing license of David E. Robbins (license #103959) is LIMITED as follows:

### **Practice restrictions**

1. Until otherwise ordered by the Board

a. Respondent shall practice only in settings where he works under supervision by another nurse or other licensed health care professional;

b. Respondent shall refrain from nursing employment as a pool nurse; and

c. Respondent shall refrain from nursing employment as a visiting nurse or other home care practitioner

## **Continuing Education/ Therapy**

2. Within six (6) months from the date of this order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of therapy, continuing education, or other training acceptable to the Board in the areas of anger and stress management. To be acceptable, the course, therapy, or training shall be 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 his attendance and completion of course and/or therapy requirements.

3. Respondent shall be responsible for all expenses incurred for training and other reporting as required by this order.

4. Within six (6) months 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 sec. 51.61, Wis. Stats.

5. Following completion of the continuing education, therapy, or other training referred to above, Respondent shall submit an evaluation of the training to the Division of Enforcement to assist the Division in developing future disciplinary policies and guidelines.

### **Required reporting**

6. For a period of at least one [1] year from the date of this Order, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.

7. 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**

8. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including coordinating submission of petitions. The Department Monitor may be reached as follows:

Department Monitor c/o Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

TEL (608) 267-3817

FAX (608) 266-2264

## Agency Caregiver Finding

9. 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 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.

### Petition for Termination of restrictions

10. 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.

### SUMMARY SUSPENSION

**11. 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

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

BOARD OF NURSING

By: Linda Sanner

10-04-02

On behalf of the Board

Date