

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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## BEFORE THE BOARD OF NURSING

RESPONDENT :

Division of Enforcement Case File No's. 01NUR173/01NUR208/02NUR053

The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Milwaukee, WI 53215

Madison, WI 53708-8935

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In resolution of this matter, Respondent neither admits nor denies the allegations pending against her. The parties in this matter therefore 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. Janette E. Hein, RN (DOB 08/27/1962) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #126152). This license was first granted on 05/07/1997.

2. Respondent's most current address on file with the Department of Regulation and Licensing is 3167 South 35th Street, Milwaukee, WI 53215.

3. On or about July 20, 2001, Respondent was working as a registered nurse at Allis Care Center, LLC, 9047 West Greenfield Avenue, West Allis, Wisconsin.

4. On or about July 20, 2001, Respondent told resident BS that if she didn't stop yelling, Respondent would put BS at a table in the dining room and let her die by herself. BS was a resident who frequently vocalized her fear about dying alone.

5. On or about July 20, 2001, Respondent yelled at resident CV during Respondent's administration of medication to CV.

6. On or about July 20, 2001, Respondent discovered her lunch was missing from the refrigerator across from the nurses' station on her floor. Within earshot of patients and staff, Respondent repeatedly yelled comments such as "Some one took my f\*\*\*king lunch;" "My goddamn f\*\*\*king lunch was ripped off!" and "I hate this f\*\*\*king place." Respondent went through the trashcan and threw the garbage around the room during this outburst.

7. On or about July 22, 2001, Respondent was working as a registered nurse at Allis Care Center, LLC, 9047 West Greenfield Avenue, West Allis, Wisconsin.

8. On or about July 22, 2001, Respondent referred to a female resident in front of other residents as follows: "The f\*\*\*king bitch doesn't believe that I gave her her eye drops.... I wish that f\*\*\*king bitch would lay off my ass."

9. On or about July 22, 2001, Respondent informed resident TK "You look f\*\*\*king wasted."

10. On or about August 13, 2001, Respondent was working as a registered nurse at Honey Creek Health and Rehabilitation, 2730 West Ramsey Avenue, Milwaukee, Wisconsin.

11. On or about August 13, 2001, Respondent utilized excessive force in removing "pocketed" food from the mouth of resident AJ. Respondent held AJ's head back and pinched AJ's nose closed with one hand. Respondent attempted to forcefully enter AJ's mouth using a tongue depressor.

12. On or about August 13, 2001 and according to Respondent's charting, Respondent administered HS medications for the patients assigned to her prior to Respondent's departure from Honey Creek Health and Rehabilitation at approximately 5:30 p.m.

13. On or about August 27, 2001, Respondent applied for work as a registered nurse at Cameo Care Center, 5790 South 27<sup>th</sup> Street, Milwaukee, Wisconsin.

14. In her application for employment at Cameo Care Center, Respondent provided the following false information:

a. Respondent falsely indicated that she had not been discharged or suspended from work in a healthcare facility "because of, or for alleged, physical mental or emotional abuse of residents, patients or inmates."

b. In fact, respondent had been discharged from Allis Care Center on 07/25/2001 for "psychological abuse/harassment of residents."

### 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 violated sec. 441.07(1), Wis. Stats. and §§ N 7.04 (1), (2), (4), (13) and (15), Wis. Admin. Code. Furthermore, the Findings of Fact set forth in above constitute an agency finding within the meaning of secs. 48.685 and 50.065, Stats.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that

1. The Wisconsin nursing license of Janette E. Hein (license #126152) is hereby **SUSPENDED** for AN INDEFINITE PERIOD OF TIME.
2. Ms. Hein may petition the Board for a stay of suspension at any time following the effective date of the Order. Ms. Hein shall be responsible for all expenses connected with submission of a petition.
  - a. In conjunction with a petition by Ms. Hein, the Board shall require a report from a current independent mental health evaluation of Ms. Hein performed by a health care provider acceptable to the Board and an alcohol/chemical dependency assessment performed by a health care provider acceptable to the Board. The person providing the mental health assessment shall have experience in stress and anger management.
  - i. Ms. Hein shall obtain Board approval of the assessor(s) prior to the assessment being performed.
  - ii. The assessor(s) shall submit a written report of his or her findings directly to the Board, including: a diagnosis of Ms. Hein's condition (if any); recommendations for treatment; an evaluation of Ms. Hein's level of cooperation in the assessment process; her ability to safely and reliably practice as a nurse; any work restriction recommendations; and Ms. Hein's prognosis. The assessments shall reflect that the assessor has received and reviewed copies of this order and Division investigative materials regarding Ms. Hein's behavior. To be considered current, the assessments shall be conducted within not more than thirty (30) days from the date of the petition.
- b. In conjunction with a petition by Respondent, the Board shall in addition require documentation of successful completion of at least twenty-four [24] hours of continuing education, therapy or other training acceptable to the Board in the area(s) of stress and anger management. To be acceptable, the course or training shall be pre-approved by the Department. Acceptable documentation shall include certification from the

sponsoring organization as well as a statement signed by Ms. Hein verifying that she attended the course in its entirety.

c. In conjunction with a petition by Ms. Hein, the Respondent shall submit acceptable documentation of successful completion of a Caregiver Rehabilitation Review with the Wisconsin Department of Health and Family Services.

d. The Board may in its discretion require a personal appearance by Ms. Hein in conjunction with its consideration of a petition submitted under this paragraph.

e. 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. The Board may in its sole discretion determine whether, and under what terms and conditions, Ms. Hein may resume the practice of nursing in the state of Wisconsin. Possible terms and conditions may include, but are not limited to: required participation in treatment, drug monitoring; required supervision; work setting approval; and/or submission of satisfactory work reports. The granting of a petition shall not be unreasonably withheld.

3. The Board waives any assessment of costs against the Respondent in these proceedings.

4. 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. 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

**5. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Hein’s license; the Board in its discretion may in the alternative impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.**

6. This Order shall become effective on the date of its signing.

BOARD OF NURSING

By: Linda Sanner

2-7-03

A Member of the Board

Date

