

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
JANE LACIVITA CLEMENTE, RN, :	LS0309052NUR
RESPONDENT :	

Division of Enforcement Case No’s. 02 NUR 132

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

Jane LaCivita Clemente
1920 North Farwell Avenue #402
Milwaukee, WI 53202-1573

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. For the purposes of resolution of this matter, the Respondent neither admits nor denies the allegations against her, and consents to the following Findings of Fact, Conclusions of Law, and Order.

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. Jane LaCivita Clemente (D.O.B. 05/08/1953) is duly licensed as a registered nurse in the state of Wisconsin (license #75319). This license was first granted on 01/11/1980.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1920 North Farwell Avenue #402, Milwaukee, WI 53202-1573.
3. At all times relevant to this action, Respondent worked as a registered nurse at Rogers Memorial Hospital, 34700 Valley Road, Oconomowoc, Wisconsin.
4. On or about May 19, 2002, Respondent entered the following order on patient DL's physician's order sheet:
 - a. May give sterile water IM 1cc
 - b. 15" safety checksV.O. Dr. Axelrod – Jane Clemente
5. Respondent contends that she transcribed the order following her conversation with a registered nurse co-worker who claimed to have received the order from Dr. Axelrod. (The co-worker refuses to confirm Respondent's assertions in this regard.)
6. On May 19, 2002, Respondent administered sterile water as per the above order. Respondent did not chart administration of the water.
7. Dr. Axelrod did not give the order referenced in paragraph 4, above.
8. DL was not physically harmed by the sterile water administered to him.
9. In resolution of this matter, Respondent consents to issuance of the Conclusions of Law and Order set forth below.

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, Jane LaCivita Clemente is subject to disciplinary action against her Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code §§ N7.03 (1) and N7.04(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Jane LaCivita Clemente is REPRIMANDED.

IT IS FURTHER ORDERED that:

Continuing education

2. Within six [6] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of at least fifteen [15] hours of continuing education or of other training pre-approved by the Board in the areas of nursing ethics and responsibilities. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization as well as a statement signed by Respondent verifying her attendance at the course and completion of course requirements.

3. Respondent shall be responsible for all expenses incurred by her in complying with the terms of this Order.

Required reporting

4. 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 may be in letter format and shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.

5. Respondent shall notify the Department Monitor of any change of nursing 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

6. 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

Termination of restrictions

7. 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

8. If Respondent fails without good cause to timely, fully and completely comply with all terms and conditions set forth above or if the Department receives a subsequent allegation against Respondent of abuse, neglect or misappropriation which after investigation the Division finds to be a credible allegation, 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.
9. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing partial COSTS of the investigation and prosecution of this action in the sum of TWO HUNDRED dollars (\$200.00). Payment shall be made by check or money order, made payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

Effective date of Order

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

BOARD OF NURSING

By: Linda Sanner	9-5-03
On behalf of the Board	Date