

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
LORI F. ALLAIN, RN, : LS0311074NUR  
RESPONDENT :

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Division of Enforcement Case No. 01 NUR 251

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

Lori F. Allain  
400 South Street  
Deforest, WI 53532

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.

For the purpose of settlement of this matter, Respondent neither admits nor denies the allegations against her. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Lori F. Allain, RN (DOB 10/06/1959) is duly licensed as a registered nurse in the state of Wisconsin (license #126217). This license was first granted on 06/06/1997.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 400 South Street, Deforest, WI 53532.
3. At all times relevant to this action, Respondent was working as a registered nurse at University of Wisconsin Hospital and Clinics, 600 Highland Avenue, Madison, Wisconsin.
4. On or about February 2, 2001, Respondent verbally abused patient LB, who had requested help after he got tangled in his IV tubing when attempting to visit the bathroom.
5. On or about February 7, 2001, Respondent verbally abused patient YA and slammed the patient's room door on several occasions.
6. On an exact date unknown, but in January or February 2001, Respondent verbally abused a terminal cancer patient by telling him that he should "just go home and die."
7. On or about February 7, 2001, Respondent catheterized patient RP one [1] time over a 12 hour shift. RP had an order for catheterization every 4 hours; Respondent refused to catheterize to the patient as scheduled, as it was "ridiculous."
8. On or about August 26, 2001, Respondent disabled patient DH'S call light. In addition, Respondent verbally abused this patient by addressing her in a raised tone of voice.
9. In resolution of this matter, Respondent consents to issuance of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

By the conduct described above Respondent violated 441.07(1), Wis. Stats. and Wis. Admin. Code §§ N 7.03(1(a) and N 7.04(4), (6) and (15). Furthermore, the Findings of Fact set forth above constitute an agency finding within the meaning of secs. 48.685 and 50.065, Wis. Stats.

#### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the license of Lori F. Allain to practice as a registered nurse in the state of Wisconsin (license #126217) SHALL BE LIMITED as follows:

#### **Practice restrictions**

1. Within two [2] months from the effective date of this Order, Respondent shall successfully complete a rehabilitation review administered by the Wisconsin Department of Health and Family Services. The Board grants Respondent this period of time specifically to allow Respondent to schedule a rehabilitation review; it does not constitute an endorsement of Respondent to DHFS by the Board of Nursing. If Respondent fails to successfully

complete the rehabilitation review, she shall REFRAIN from caregiver employment in any Wisconsin DHFS-licensed facility until further order of the Department of Health and Family Services.

2. Until otherwise ordered by the Board

a. Respondent shall practice only in settings where she works under supervision acceptable to the Board. Respondent shall obtain approval of a work setting prior to commencement of nursing duties;

b. Respondent shall refrain from nursing employment as a pool nurse or visiting nurse (or other home care practitioner); and

c. Respondent shall refrain from working as a charge nurse.

### **Education Requirements**

3. Within three [3] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of the University of Wisconsin School of Nursing continuing education program entitled "Legal Issues for Nurses in Today's Health Care Environment", or of completion of other training pre-approved by the Board in the area of legal responsibilities of nursing. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization, a statement signed by Respondent verifying completion of course requirements, and proof of successful completion of a post-test acceptable to the Board and/or submission of other documentation of course content comprehension acceptable to the Board.

4. 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 her attendance and completion of course and/or therapy requirements.

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

### **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 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.

7. 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**

8. 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  
TEL (608) 267-3817

## **Costs**

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 FIVE HUNDRED dollars (\$500.00). Payment shall be made by certified check or money order, made payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

## **Petition for Termination of restrictions**

10. Upon completion of: one [1] year of complete, successful and continuous compliance with the terms of this limitation 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 other 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.**

### **Effective date of Order**

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

BOARD OF NURSING

By: Linda Sanner

11-7-03

On behalf of the Board

Date