

# 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 DISCIPLINARY | : |                        |
| PROCEEDINGS AGAINST           | : |                        |
|                               | : | ORDER DENYING PETITION |
| MARYBETH P. ALBERTZ, RN/LPN,  | : |                        |
| RESPONDENT.                   | : |                        |

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A Final Decision and Order was entered in the above-captioned matter on November 3, 1995. By the terms of the board's order, Ms. Albertz' license was suspended for an indefinite period, and Ms. Albertz was permitted to petition for a stay of the suspension of her license upon submission of a satisfactory evaluation certifying that Ms. Albertz is fit to safely and competently return to the practice of nursing.

By letter dated February 23, 1996, Ms. Albertz submitted her petition to the board for a stay of the suspension of her license. The petition was accompanied by an evaluation performed by Clyde R. Olson, M.D., which fulfilled the requirements of the board's November 3, 1995, order. In her letter, Ms. Albertz asked that her current participation in the BSN at U.W. Eau Claire be substituted for the continuing education program set forth at paragraph (3)(e) of the board's order, and that she not be required to provide a copy of the board's order to current and prospective nursing employers or to arrange for work reports to be provided by such employers. The board considered the matter at its meeting of March 8, 1996, and filed its order granting the petition to substitute the BSN program for the requirement that she complete a continuing education program on March 15, 1996.

Because the board's November 3, 1995, Final Decision and Order assessed the costs of the disciplinary proceeding against Ms. Albertz, the stay of the suspension was never actuated. Subsequently, Ms. Albertz contacted Michelle Neverman, the board liaison and requested a stay of the suspension. The board considered the request at its meeting of September 11, 1997, and ordered that the suspension of the license of Mary Albertz be stayed for a period of three months, effective on the date upon which she paid to the department of Regulation and Licensing the assessed costs of the disciplinary proceeding conducted in this matter, and conditioned upon her compliance with the terms of the November 3, 1996 Order, as amended.

On May 8, 1998, the board considered Ms. Albertz' request that upon receiving her BSN degree, she be returned to full licensure, based upon her having then demonstrated her stable recovery. The board denied the petition, but ordered that upon her graduation from the BSN program, the board would further consider Ms. Albertz' further petition for a full, unlimited license.

On May 14, 1999, the board again considered Ms. Albertz' request that she be granted an unlimited license upon her graduation from the RN program on May 22, 1999. The board denied the petition by its Order dated May 26, 1999.

On January 6, 2000, the board considered evidence that Ms. Albertz had violated the terms of her limited license by failing to notify her employer of the limitations on her license, and by showing her employer a copy of her license which did not carry the notation that it is limited. Such action is in violation of the board's Final decision and Order in this matter, and the stay was denied by the board's Order dated January 18, 2000.

On July 7, 2000, Ms. Albertz appeared before the board in support of her request that the stay of suspension of

her license be reinstated. The board and Ms. Albertz thereafter entered into a Stipulation, by which the board agreed to issue, and Ms. Albertz agreed to accept, a three month stay of the suspension of her license, with provision for additional three month stays conditioned upon full compliance with the terms and conditions set forth in the Order. These included that she provide for quarterly work reports from her employer and that she participate in therapy.

On February 2, 2001, the board considered Ms. Albertz' request for a further three month stay of the suspension of her license. The board also considered information that Ms. Albertz had failed to attend therapy during the preceding three month period, which was the only requirement imposed by the board's Order until such time as she became employed. The board therefore denied the stay on that date.

On April 6, 2001, the board granted Ms. Albertz' request for a stay of the suspension of her license.

On August 2, 2001, the board considered Ms. Albertz request for a further stay of the suspension, as well as evidence that Ms. Albertz had again failed to fulfill the therapy requirement. Accordingly, the board denied the stay by its Order dated August 13, 2001.

On October 4, 2001, the board considered Ms. Albertz' renewal of her request for a stay of the suspension of her license. Again, information provided to the board established that Ms. Albertz had not at the time of the meeting been in compliance with the board's Order for the previous three month period. The board denied the stay, and specified that Ms. Albertz could petition for a new stay upon demonstration of compliance for a period of three months. Ms. Albertz appeared before the board at its meeting of December 6, 2001, and petitioned for a further stay. The board granted the stay by its Order dated December 17, 2001.

On March 1, 2002, the board considered Ms. Albertz' request for a further stay. The board also considered evidence that Ms. Albertz was again out of compliance with the board's Order. The board therefore denied the stay.

On June 6, 2002, the board considered Ms. Albertz' request that the stay of suspension be reinstated. In considering the request, the board was confronted with a number of questions. Ms. Albertz' letter makes reference to her Director of Nursing, raising the question whether Ms. Albertz has been practicing during the period when her license was suspended. The material also references Ms. Albertz' medications and "injections." The board has questions regarding what medications she is using and the nature of the injections. The board therefore denied the stay and invited Ms. Albertz to come before the board at its July meeting to clarify the matter.

Ms. Albertz appeared before the board on July 11, and discussed her current medications and problems with maintaining her medication schedule. Based upon that appearance, and all other information of record herein, the board granted the stay.

On October 4, 2002, and January 10, 2003, the board granted Ms. Albertz' requests for further three month stays.

On March 7, 2003, the board considered Ms. Albertz' request for termination of the suspension of her license. The board also considered Ms. Albertz' history of failure to comply with the limitations on her license, and her recent difficulties with managing her prescribed medications. Based on this information, the board denied the request.

On April 5, 2003, the board considered renewal of Ms. Albertz' request for termination of the limitations on her license. The request was supported by her therapist. Based upon the fact that Ms. Albertz had not been in

compliance with the board’s Order for a full two year period, her request for termination of the suspension of her license was denied, and Ms. Albertz was granted a further three month stay of the suspension.

On May 9, 2003, the board considered Ms. Albertz’ renewal of her request for a full license, and Ms. Albertz appeared before the board in support of her request. The board noted that Ms. Albertz had not been in continuous compliance with the board’s Order for a full two year period, and therefore ordered that her request for termination of the stay be denied.

On August 8, 2003, the board considered Ms. Albertz’ request for a stay, and renewal of her request for termination of the limitations on her license. The board must iterate that Ms. Albertz has not been in compliance with all terms and conditions on her license for a full period of two years. Additionally, the board does not feel that any change in the order is appropriate until Ms. Albertz is in active practice while being monitored for some period of time. Accordingly, it is ordered as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the suspension of the license of Marybeth P. Albertz, RN, be, and hereby is, stayed for a further period of three months

IT IS FURTHER ORDERED that the petition of Marybeth P. Albertz for termination of all limitations on her license is denied.

Dated this 14<sup>th</sup> day of August, 2003.

STATE OF WISCONSIN  
BOARD OF NURSING

Linda M. Sanner RN  
Chair