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STATE OF WISCONSIN
BEFORE THE WISCONSIN BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

BETH RATA CZAK, R.N. ,
RESPONDENT.

FINAL DECISION AND ORDER
LS # 0412013NUR

[Division of Enforcement Case # (01 NUR 322)]

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

Beth Rataczak
827 ½ Cook Street
Portage, WI 53901

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

On December 1, 2004, a formal complaint was filed in this matter. Prior to the hearing on the formal complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Beth Rataczak, (DOB September 30, 1948) is duly licensed as a registered nurse in the state of Wisconsin (license # 30-59424). This license was first granted on February 25, 1974.
2. At all times relevant to this proceeding, Respondent was practicing as a registered nurse at Columbia Correctional Institution in Portage, Wisconsin.
3. In February, 2001, the Department of Regulation and Licensing (“The Department”) received the current

complaint regarding the Respondent. This complaint was opened in March 2002 and given, DOE investigative file # 01 NUR 322.

4. After an investigation of the Respondent's conduct, the Department determined the following:

a. On June 4, 1996, at approximately 1:00 pm, an officer at the Columbia Correctional Institute reported to the Health Services Unit ("HSU") that GD, a 50-year-old paranoid schizophrenic patient with elevated liver function studies, was ill. Specifically, the officer reported that GD had refused both breakfast and lunch and there was liquid stool all over his cell.

b. The Respondent was a nurse on site on June 4, 1996 at 1:00pm. She did not perform an assessment or evaluation of the inmate and over the telephone ordered the guards to give GD Pepto-Bismol. The Respondent indicated that Pepto-Bismol was on the standard orders to treat diarrhea.

c. The guards tried to give GD the Pepto-Bismol, however GD refused to take it by turning his back to the guards and not responding to their offers of the medicine.

d. On June 5, 1996, the guards found GD lying in his bed, deceased. An autopsy conducted revealed that GD had died from a ruptured esophageal varix with a massive gastrointestinal hemorrhage and cirrhosis of the liver.

5. On September 21, 2004, after considering the Respondent's petition for the reinstatement of her license from the suspension in LS0003031NUR, the Board reinstated the Respondent's license with a set of practice restrictions and required therapy.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in the paragraph 5, above, constitutes a violation of Wisconsin Administrative Code § N 7.03 (1)(a), § N 7.03 (1)(b) and § N 7.04(4) and Wis. Stat. § 441.07 (1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The license of Beth Rataczak, to practice registered nursing in the State of Wisconsin is hereby limited for not less than two years from the date of this Order. The license limitation in this case shall supersede all prior orders. Specifically, the limitations to Beth Rataczak's license are:

1. Respondent shall practice only in pre-approved work settings and where she works under direct supervision. "Direct supervision" means "immediate availability to continually coordinate, direct and inspect at first hand the practice of another." See Wis. Adm. Code § N 6.02(6).

2. Respondent shall not practice as a nurse in home care, agency or pool nursing, or for an emergency staffing agency.

3. Respondent shall not practice behavioral health nursing.

Required therapy

4. Respondent shall maintain successful participation in all components of a program of psychotherapy until the Board determines she no longer needs treatment. Treatment shall be provided by a mental health practitioner acceptable to the Board. Respondent must attend therapy on a schedule as recommended by her mental health practitioner; the Board, however, reserves the right to set a minimum schedule of treatment of at least one (1) therapy session per month.

5. Respondent shall provide and keep on file with all applicable treatment providers and facilities current releases which comply with state and federal laws authorizing release of all of Respondent's medical and treatment records and reports. In addition, these releases shall (if applicable) permit her treating physicians and therapists to disclose and discuss the progress of her treatment and rehabilitation with the Board of Nursing or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board of Nursing. Copies of these releases shall be filed simultaneously with the Department Monitor.

Required reporting/ disclosure

6. Respondent shall arrange for submission of quarterly reports satisfactory to the Board 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 PO Box 8935, Madison, Wisconsin 53708-8935.

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.

8. Respondent's mental health care provider shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's compliance with and progress in therapy. Respondent's mental health care provider shall report *immediately* to the Department Monitor any violation or suspected violation of the Board's Final Decision and Order.

9. Respondent shall furnish a copy of this Order to all nursing employers, including any prospective employer when respondent applies for employment as a health care provider.

IT IS FURTHER ORDERED that:

10. Respondent shall, within one year from the date of this Order, pay costs of this proceeding in the amount of six hundred (\$600) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing.

Petition for Termination of restrictions

11. Respondent may petition the Board for modification of the terms of this limited license at any time following two [2] years from the date of this Order. Any such petition shall be accompanied by written recommendations from Respondent's employer and her therapist expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stats § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

12. Upon completion of: two [2] years of complete, successful and continuous compliance with the terms of this limitation that includes two [2] years of nursing employment under the terms of this Order; Respondent may petition the Board to revise or eliminate any of the above conditions.

13. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare may result in a summary suspension of Respondent's license. 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. In the event Respondent fails to timely pay costs as ordered or fails to comply with the terms of this Order, the Respondent's license (#30-59424) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the of this Order.

Effective date of Order

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

By: Jacqueline Johnsrud, RN
A Member of the Board

July 14, 2005
Date