

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

ANDREW J. DINKINS, LPN :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0508313NUR

02 NUR 063

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

Andrew J. Dinkins, LPN
3403 North 20th Street
Milwaukee, WI 53206

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

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 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. Andrew J. Dinkins, LPN, Respondent herein, 3403 North 20th Street, Milwaukee, Wisconsin 53206, was born on 11/10/69 and is licensed to practice as a practical nurse in the state of Wisconsin, license #33800, said license having been granted on 9/9/96.

2. On 2/28/02, Respondent was employed as a licensed practical nurse at the Milwaukee Catholic Home in Milwaukee, Wisconsin and was scheduled to work on the second shift on the Orthopedic/Rehabilitation Unit at the facility. Respondent's shift was scheduled to begin on 2/28/02 at 1430 and end at 2300.

3. On 2/28/02, the Orthopedic/Rehabilitation Unit had a population of 31 patients, 21 of which were long-term care patients and 10 of which were Medicare patients, and was scheduled to be staffed by 2 nurses who were to be assisted by certified nursing assistants.

4. Respondent logged in for the second shift at the facility at 1429 on 2/28/02.

5. At approximately 1430 on 2/28/02, the two nurses who had staffed the Orthopedic/Rehabilitation Unit on the first shift presented their reports to Respondent and the other licensed practical nurse assigned to staff this unit for the second shift. At approximately 1445, while the reports were in progress, the Director of Nursing for the facility contacted the unit to determine which nurse had been assigned to care for the 10 Medicare patients. Respondent spoke with the Director of Nursing by telephone and was advised by the Director of Nursing that he had been assigned to care for the 10 Medicare patients.

6. Upon being advised by the Director of Nursing that he had been assigned to care for the 10 Medicare patients on the unit, Respondent responded to the Director of Nursing that this assignment was not fair, that he had been assigned to the 21 long-term care patients on the previous evening and that he did not want to change the assignment from the previous evening. The Director of Nursing advised him that the assignment did not present a question of fairness but rather what was best for the patients. The conversation between the Director of Nursing and the Respondent terminated leaving the Director of Nursing with the understanding that the Respondent would be caring for the 10 Medicare patients throughout the second shift.

7. At approximately 1450, the Respondent left the facility without notice to the Director of Nursing or to any other person in authority. The Respondent did not make arrangements with any other nurse prior to his departure to provide coverage for the patients assigned to him. The Respondent did not return to the facility on 2/28/02 or at any time thereafter.

8. The Director of Nursing, upon ascertaining that the Respondent had left the facility, made arrangements for nursing coverage for the patients assigned to the Respondent.

9. The events described in paragraphs 2 through 8 occurred at the change of shift and the nurses present from the first shift continued to provide nursing care for the patients at the change of shift. No patient was denied nursing care as a result of the incident. The incident did not result in abuse or neglect of any patient.

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 Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in the Findings of Fact constitutes a violation of Wis. Admin. Code §§ N7.03(1)(a), N6.05 and N6.04(1)(b) in that Respondent failed to provide nursing care to the patients' assigned to him on 2/28/02.

3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

4. This Final Decision and Order shall not be construed as a Board of Nursing finding of caregiver misconduct, abuse or neglect of a client, or misappropriation of the property of a client within the meaning of Wis. Stat. §§ 48.685 and 50.065.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Andrew J. Dinkins, LPN, is hereby REPRIMANDED.

2. The license of Andrew J. Dinkins to practice as a licensed practical nurse in the state of Wisconsin is hereby limited as follows:

- a. Andrew J. Dinkins will within 6 months of the date of this Final Decision and Order take and satisfactorily complete a minimum of 8 credit hours of continuing education in professional ethics. The continuing education courses taken in satisfaction of this requirement will be pre-approved by the Board of Nursing or its designee. Respondent will attend each course taken in satisfaction of this requirement in its entirety.
- b. Andrew J. Dinkins will within 60 days of completion of the required continuing education courses in professional ethics provide evidence satisfactory to the Board of Nursing that he has attended each of the approved courses in its entirety. This evidence will include:
 - i. Certification of attendance from the sponsoring organization; and
 - ii. Affidavit given under oath by Andrew J. Dinkins verifying that he has attended each of the approved courses in its entirety.
- c. Andrew J. Dinkins will pay all costs of attending the approved courses and of verifying attendance at the courses.
- d. All requests for approval of courses, certifications of attendance, affidavits and other documents required to be filed with the Board of Nursing will be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

- e. The limited license will terminate and Andrew J. Dinkins' license will be restored to full and unrestricted active status when all of the terms of this Final Decision and Order have been complied with.

IT IS FURTHER ORDERED that:

3. Respondent will, within 120 days from the date of this Final Decision and Order, pay costs of this proceeding in the amount of \$1,800.00. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817

4. Violation of any of the terms of this Final Decision and Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Andrew J. Dinkins' license. The Board of Nursing 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 Final Decision and Order. In the event Andrew J. Dinkins fails to timely submit any payment of the costs as ordered or fails to comply with the ordered education his license #33800 SHALL BE SUSPENDED, without further notice or hearing, until Andrew J. Dinkins has complied with the terms of this Final Decision and Order.

5. This Final Decision and Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Jacqueline Johnsrud, RN, MS
A Member of the Board

11/10/05
Date