

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
GLORIA M. HOGANS, L.P.N.,	:	LS0509011NUR
RESPONDENT.	:	

[Division of Enforcement Case # 02 NUR 256]

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

Gloria M. Hogans, L.P.N.
3709 W. National Avenue
Milwaukee, WI 53214

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 and 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 Board of Nursing. 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. Gloria M. Hogans, L.P.N., Respondent, date of birth January 12, 1954, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 34263, which was first granted August 1, 1997.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3709 W. National Avenue Milwaukee, WI 53214.

3. At all times relevant to this action, Respondent was employed as a licensed practical nurse by Maxim Healthcare Services, a pool nursing agency in Wauwatosa, Wisconsin.

4. On September 25, 2002, Respondent was working at the Jewish Home and Care Center in Milwaukee Wisconsin, performing the PM medication pass. The following occurred:

a. Ms. A, a patient in Respondent's care, had gone to the dining room but remembered she had not taken her medications. When she asked Respondent for her medications, Respondent curtly told Ms. A that she was going to have to wait.

b. When Ms. A received her medications, she realized they were not the correct medications and informed Respondent.

c. When Ms. A received the correct medications, she noticed that her eye drops were missing and informed Respondent.

d. Respondent then roughly pulled Ms. A's eyelid up to administer the eye drops and Ms. A told her to stop because Respondent was hurting her. Respondent rudely told Ms. A "If you don't like how I'm doing it, do it yourself."

5. In resolution of this matter, Respondent consents to the issuance of the following Conclusions of Law and Order.

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 Finding of Fact 4, above, constitutes a violation of Wis. Adm. Code § N 7.04(4) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Gloria M. Hogans, L.P.N., is hereby REPRIMANDED for the above conduct.

2. Respondent's license is LIMITED as follows until otherwise ordered by the Board:

a. Respondent shall practice only in settings where she works under supervision acceptable to and preapproved by the Board.

b. If Respondent works as a "pool nurse," or for a nursing employment agency, she shall work for only one agency at a time and be assigned to one long-term assignment at a time.

c. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, currently or in the future.

d. Respondent shall not work in a home health care setting.

Termination of Restrictions

3. 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.

Suspension

4. Violation of any of the 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 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.

Costs of Proceeding

5. Respondent shall, within one [1] year from the date of this Order, pay costs of this proceeding in the amount of \$200.00. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor.

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. Payment and any petitions shall be mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

Effective Date of Order

7. This Order is effective upon the date of its signing.

Wisconsin Board of Nursing

By: Jacqueline Johnsrud
A Member of the Board

12/08/05
Date