

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 :

LARRY A. GIRDLEY, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0604205NUR

03 NUR 174

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

Larry A. Girdley, R.N.
N3437 County Road O
Weyauwega, WI 54983

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

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 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. Larry A. Girdley (DOB 8/8/1949) is duly licensed as registered nurse in the state of Wisconsin (license # 127672). This license was first granted on 9/5/1997.
2. Respondent is also duly licensed as a respiratory care practitioner in the state of Wisconsin (license # 1112). This license was first granted on 5/21/1992.
3. Respondent's most recent address on file with the Wisconsin Board of Nursing is N3437 County Rd. O, Weyauwega, WI 54983.
4. At all times relevant to this proceeding, Respondent was practicing as a registered nurse at Appleton Medical Center in Appleton, Wisconsin.
5. On April 18, 2003 patient SK was admitted to the ICU at Appleton Medical Center. Patient SK did not name anyone as an emergency contact and specifically informed the nursing staff that she did not want anyone to be notified about her medical condition or why she had been admitted to the hospital.
6. On April 20, 2003 Patient SK contacted her daughter and asked her to come to the hospital. Patient SK's ex-husband brought her daughter to the ICU. While the patient's daughter was in talking to her mother, Respondent asked patient SK's ex-husband questions about an emergency contact. During this conversation Respondent informed patient SK's ex-husband, in great detail, about patient SK's medical condition and the reason for patient SK's hospitalization.
7. Patient SK's ex-husband later used this confidential patient information against patient SK in civil litigation to obtain sole custody of patient SK's children.
8. Respondent's employer required Respondent and all of its other nursing staff to complete continuing education in patient confidentiality. In 2003, Respondent attended and completed his employer's "Annual Department Education for Confidentiality" seminar. On October 30, 2004 Respondent completed online HIPPA training for all staff entitled "HIPPA Overview". On June 8, 2005 Respondent completed online HIPPA training for Managers and Executives entitled "Additional HIPPA Privacy and Security and Harassment Policy".

CONCLUSIONS OF LAW

- A. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. §441.10(3)(b) and is authorized to enter into the attached Stipulation, pursuant to Wis. Stat. §227.44(5).
- B. The conduct described in paragraphs 5, and 6, above, constitutes a violation of Wis. Admin. Code § N 7.04(10).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Larry A. Girdley is REPRIMANDED.
2. Respondent shall, within 60 days from the date of this Order, pay COSTS of this proceeding in the amount of SEVEN HUNDRED SEVENTY FIVE DOLLARS (\$775.00) dollars. 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
Fax (608) 266-2264

3. The Board of Nursing accepts the remedial education that Respondent completed in Finding of Facts paragraph 8, above, as being substantially equivalent to what the Board otherwise would have ordered.

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. 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 pay costs as ordered then Respondent's license (# 127672) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

4/20/06
Date