

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 :

SYDNEY G. SMITH, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0611169NUR

04 NUR 213

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

Sydney G. Smith, R.N.
W7114 Mariner Circle
Fond du Lac, WI 54937

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. Sydney G. Smith, R.N., (“Respondent”) was born on September 10, 1953, and is licensed to practice professional nursing in the state of Wisconsin pursuant to license 74592, first granted on September 1, 1979.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is W7114 Mariner Circle, Fond du Lac, Wisconsin 54937.
3. At all times relevant to this action, Respondent was working as a registered nurse at Waupun Correctional Institution, Waupun, Wisconsin.
4. Patient N.B. was a male, born on January 30, 1962, and an inmate of the Waupun Correctional Institution.
5. On February 11, 2004, Respondent was on duty at the prison health services unit when the officer at the cell block called about 4:56 p.m. to report that Patient N.B. had been having chest pains, sweatiness, dizziness, and pain down the

left arm, all unrelieved by nitroglycerine.

6. Respondent consulted with C. Larson, M.D., the physician who was present in the health services unit at the time. Dr. Larson ordered Respondent to have Patient N.B. transported to Waupun Memorial Hospital via ambulance.

7. Protocol for these circumstances called for Respondent to report to the Patient in the cell block to provide care until the paramedics arrived and took over.

8. Prison records show that the ambulance was called at 5:26 p.m., that it arrived at the prison gate at 5:32 p.m., that it was delayed at the gate and that the paramedics arrived at the cell block at 5:42 p.m., and left for the hospital with the patient at 5:56 p.m.

9. Respondent never left the Health Services Unit to go to the cell block to attend Patient N.B. on February 11, 2004.

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 paragraphs 3 through 9, above, constitutes a violation of Wisconsin Administrative Code § N7.03(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Sydney G. Smith, R.N., is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Sydney G. Smith, R.N., to practice professional nursing in the State of Wisconsin is hereby LIMITED by the condition that he shall, within nine months of the date of this Order, successfully complete **six hours** of nursing education approved by the Board or its designee in the topic of assessment of chest pain and **one and one-half hours** of nursing education approved by the Board or its designee in the topic of interventional treatment for chest pain.

a. Respondent will be responsible for locating course(s) satisfactory to the Wisconsin Board of Nursing or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Board of Nursing prior to taking the courses.

b.. Respondent is responsible for providing a description of the course content to the Department Monitor prior to commencement of the program.

c. Further, the Board may reject in whole or in part any educational opportunity which is nominated by Respondent when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Respondent nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. If the Board approves an educational opportunity in fulfillment of less than the entire purpose for which Respondent nominates it, Respondent may either accept the Board's limited approval, or forego the opportunity entirely and select another course.

d. Respondent will be responsible for all of the costs of attending the educational programs.

e. Within 60 days after the courses are concluded, Respondent will file with the Wisconsin Board of Nursing certifications from the sponsoring organization of his attendance at the required courses and his personal written affidavit that he has attended each course in its entirety.

f. All applications for course approvals, and all certifications, affidavits, reports or other documents required to

be filed with the Wisconsin Board of Nursing shall be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
1400 E. Washington Ave.
Madison, WI 53708

All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Board of Nursing will be deemed filed with the Board of Nursing upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that:

3. Sydney G. Smith, R.N. will appear before the Wisconsin Board of Nursing, if an appearance is requested by the Board, at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that:

4. Respondent shall, within (90) days from the date of this Order, pay costs of this proceeding in the amount of Five Hundred Ninety Four (\$594.00) 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

5. 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 or fails to comply with the ordered continuing education, the Respondent's license(#74592) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

11/16/06
Date