

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JULIE K. GEIGER, R.N., : LS0701256NUR  
RESPONDENT. :

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[Division of Enforcement Case # 05 NUR 397]

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

Julie K. Geiger, R.N.  
1413 W. Casual Court  
Appleton, WI 54913

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. Julie K. Geiger, R.N., Respondent, date of birth December 31, 1961, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 115542, which was first granted March 25 1994.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1413 W. Casual Court Appleton, WI 54913.

3. During the events of this matter, Respondent was employed as a registered nurse by ThedaCare and worked in the Radiation Oncology Department at Appleton Medical Center in Appleton, Wisconsin.

4. In August 2005, the Chief Privacy Officer at Appleton Medical Center received an anonymous complaint from another staff member. The complaint alleged that Respondent was inappropriately accessing electronic medical records for patients who were not under the direct care of the department in which Respondent was employed.

5. An audit was conducted of Respondent's accessing of records. The audit showed that from January 2000 to November 2005, Respondent accessed the records of more than 20 patients whose records she had no work related reason to view. One of those patients was a physician with whom Respondent worked and 13 others were members of Respondent's extended family. Some of the patients had given no consent for Respondent to access their records while some of her family members had provided oral consent, but not the required written consent.

6. On November 29, 2005, during an investigatory meeting of Respondent and supervisory personnel, Respondent admitted she did not receive written consent from family members or other patients whose records she viewed for non-work related purposes. Respondent was terminated from her employment as a registered nurse at Appleton Medical Center

7. In response to an inquiry by the Division of Enforcement (DOE), Respondent contended that some of her family members had asked her medically related questions regarding their care or symptoms they were experiencing and that she had ongoing oral permission from several of them to access their records to try to help them. She stated that she accessed their records out of concern for their well being.

8. The DOE investigator was able to contact Respondent's brother who was one of the family members who Respondent contended had given her oral permission to access their records. He confirmed he had given her that permission. The investigator also contacted three of the other 13 members of Respondent's extended family members who reported they had never given Respondent permission to access their patient records and had never asked Respondent a medically related question which would require her to access their records.

9. Wis. Stat. § 146.82 is a law substantially related to practice as a nurse. It provides that all patient health care records are to remain confidential and that employees of a health care entity may access patient records without the patient's written consent only to the extent that performance of the employee's duties require access to the records.

### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Julie K. Geiger, R.N., is hereby REPRIMANDED for the above conduct.

2. Respondent's license is LIMITED as follows:

a. Within 120 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of 3½ hours of continuing education in the area of boundaries and ethics, specifically addressing patient confidentiality, which course(s) shall first be approved by the Board, or its designee.

b. Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the education, the Board shall issue an Order removing this limitation of Respondent's license.

3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$945.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor  
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

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 that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license 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

1/25/07  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
JULIE K. GEIGER, R.N., : LS \_\_\_\_\_ NUR  
RESPONDENT. :

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[Division of Enforcement Case # 05 NUR 397]

It is hereby stipulated and agreed, by and between Julie K. Geiger, R.N., Respondent; Bruce Chudacoff of Block Seymour, Chudacoff, Samson & Liebzeit, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 05 NUR 397). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Julie K. Geiger, R.N.  
Respondent  
1413 W. Casual Court  
Appleton, WI 54913

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Date

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Bruce Chudacoff  
Block, Seymour, Chudacoff,  
Samson & Liebzeit, S.C.  
Attorneys for Respondent  
P.O. Box 845  
Appleton, WI 54912-0845

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Date

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John R. Zwiig  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date