

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 :
DISCIPLINARY PROCEEDINGS AGAINST :
PATTI J. MILLER, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0701258NUR

Division of Enforcement Case # 04 NUR 086

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

Patti J. Miller, R.N.
W 157 N 11458-A Hilbert Lane
Germantown, WI 53022

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. Patti J. Miller, R.N., (DOB 06/27/1953) is duly licensed as a registered nurse in the State of Wisconsin (license # 30-59944). This license was first granted on August 26, 1974.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is W 157 N 11458-A Hilbert Lane, Germantown, Wisconsin, 53022.
3. On or about March 22-23, 2004, Respondent was working the night shift at Milwaukee County Behavioral Health Division. At approximately 11:15 p.m., patient B.M. became loud and disruptive. Respondent escorted him to a seclusion room and locked the door. Respondent failed to obtain a physician's order for seclusion. Respondent claims that she unlocked the door after about a half hour. However, three CNAs testified that the door was locked throughout the night. CNA B.P. states that she unlocked the door at about 5:00 a.m. or 5:30 a.m.

4. CNA J.E. began working at 11:55 p.m. When receiving report from Respondent, she could hear Patient B.M. being asked to be let out of seclusion. Respondent did not respond to his requests.

5. At 12:30 a.m. CNA J.E. heard Patient B.M. asking to use the bathroom. She asked CNA B.M. to assist her in taking Patient B.M. to the bathroom. CNA B.M. told her that they were not to enter the room. CNA J.E. spoke to Respondent, who also told her not to enter the room. A few minutes later, Patient B.M. urinated on the floor.

6. Patient B.M. then began crying and stated that he was cold. He was wearing only a pajama top, as he had removed his pants earlier in the night and refused to put pants on. The seclusion room contained only a mattress pad and a sheet. CNA J.E. told Respondent that Patient B.M. needed a blanket. Respondent told her to leave him alone and not to open the door.

7. Patient B.V. fell asleep between 4:30 a.m. and 5:00 a.m.

8. At approximately 6:00 a.m. Respondent told the CNAs to get Patient B.M. dressed before the first shift arrived. When she was told he had fallen asleep, she told the CNAs to just leave him, but to unlock the door.

9. The medical records indicate that Respondent never assessed Patient B.M. during the night, as was required by the locked seclusion policy. Respondent claims that she assessed Patient B.M. two or three times during the night, but did not chart any assessments.

10. Respondent admits that Patient B.M. was in locked seclusion for at least part of the night but charted that Patient B.M. was in unlocked seclusion.

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 - 10 above constitutes a violation of Wisconsin Administrative Code §§ N 7.03(1) and N 7.04(4) and (6) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Patti J. Miller, R.N. is REPRIMANDED.

2. The license of Patti J. Miller, R.N. to practice nursing in the state of Wisconsin, and her privilege to practice nursing in Wisconsin pursuant to the multi-state Nursing Licensure Compact, is LIMITED as follows:

(a) Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education in patient rights and six (6) hours of pre-approved continuing education in ethics within 90 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90 day time frame, taking into account the board's meeting schedule.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Seven Hundred Dollars (\$700.00). 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
Fax (608) 266-2264

3. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (# 30-59944) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

01/25/2007
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
PATTI J. MILLER, R.N., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 04 NUR 086

Patti J. Miller, R.N., personally on her own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 04 NUR 086). Respondent consents to the resolution of this investigation by stipulation.

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 been provided an opportunity to obtain the 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 of Nursing. 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 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 of Nursing ever assigned as an 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 Board 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

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

Patti J. Miller, R.N.
W 157 N 11458-A Hilbert Lane
Germantown, WI 53022

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date