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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS

SANDRA I. HAUSZ, R.N.

RESPONDENT.

FINAL DECISION
AND ORDER

Case No. LS 0711021 NUR

(DOE case # 06 NUR 275)

PARTIES

The parties to this action for the purposes of s. 227.53 Stats., are:

Sandra I. Hausz, R.N.
Lot 10
113 Highway 35
Hazel Green, WI 53811

James E. Polewski
Division of Enforcement
P. O. Box 8935
Department of Regulation & Licensing
Madison, WI 53708-8935

Wisconsin Board of Nursing
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

An evidentiary hearing in the above-captioned matter was held on December 3, 2007, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney James E. Polewski. The respondent, Sandra Hausz, did not appear and did not file an answer to the complaint. Based on the entire record of this case, the Wisconsin Board of Nursing adopts as its Final Decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Sandra J. Hausz, R.N. ("respondent") was born on April 5, 1951, and is licensed to practice professional nursing in the state of Wisconsin pursuant to license number 136547. This license was first granted on September 29, 2000.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 113 Hwy 35, Lot 10, Hazel Green, Wisconsin 53811.
3. At all times relevant to this proceeding, respondent was working as a professional nurse at Fennimore Community Good Samaritan Center, Fennimore, Wisconsin 53809.
4. Resident F.G. is a female, born on August 21, 1916.

5. On July 6, 2006, respondent was charge nurse during the day shift at Fennimore Community Good Samaritan Center when a member of resident F.G.'s family and members of the staff reported to respondent that resident F.G. had become nearly unresponsive to verbal stimuli and had suddenly lost her eyesight.
6. Respondent declined to assess resident F.G., and only suggested that she could call a physician or have resident F.G. transported to a hospital.
7. During the ensuing investigation conducted by Fennimore Community Good Samaritan Care Center, respondent lied, insisting that she had evaluated resident F.G., and reciting several details of resident F.G.'s condition and respondent's actions that were contradicted by documentation entered by other staff and by statements of resident F.G.'s family members who had been present at the time.
8. When confronted about the several lies, respondent admitted that she had not done the assessment she had claimed to have done after she was alerted to the changes in resident F.G.'s condition.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to Wis. Stats, § 441.07.
2. The conduct described in the Findings of Fact constitutes unprofessional conduct within the meaning of Wis. Stats, § 441.07(1), and Wis. Admn. Code §§ N 7.03(1) (c) and N 7.04.
3. By failing to file an Answer as required by Wis. Admn. Code RL 2.09, and by failing to appear at the default hearing, the respondent is in default under Wis. Admn. Code RL 2.14, and the Board of Nursing may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.
4. The conduct described in the findings of fact constitutes an agency finding within the meaning of Wis. Stats. §50.065(4m)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The registered nurse license of the respondent SANDRA I. HAUSZ, R.N. (lic. #136547) is **REVOKED**.
2. The respondent's license to practice nursing in the State of Wisconsin, including the privilege to practice pursuant to the Multi-State Nursing Compact, shall not be reinstated until such time as she has successfully completed the following:
 - (a) Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education in the topic of patient documentation and six (6) hours of pre-approved continuing education in the topic of professional responsibility of nurses. Respondent is responsible for finding appropriate courses and submitting the syllabus to the Board for approval prior to taking the courses.
 - (b) Upon submission of satisfactory proof of completion of the required courses, respondent may petition for reinstatement of her nursing license.
3. The respondent shall, within six (6) months from the date of this Order, pay the assessable costs of this proceeding. 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

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

EXPLANATION OF VARIANCE

Based upon the entire record, and the reasons set forth herein, the Board of Nursing has varied the recommendations for discipline by the Administrative Law Judge William A. Black in the Proposed Final Decision and Order. The recommendations are weighted primarily toward a presumption of rehabilitation and need for remedial continuing education. While this approach has been acceptable in other cases, the Board finds it more appropriate to revoke the respondent's license because there is nothing in the record from which the Board could determine that the respondent has been rehabilitated and will conform her conduct to the required standards of practice.

Rather, it appears that the respondent does not take the regulatory authority of the Board or the disciplinary process seriously as she failed to submit an answer to the formal complaint or to appear at the hearing. Section RL 2.14 of the Wisconsin Administrative Code provides that a respondent who fails to answer a complaint or fails to appear at a hearing is in default. If a respondent is found to be in default, the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence in the record. In this case, the respondent did not file an answer to the above-captioned complaint, nor did she appear at the scheduled evidentiary hearing. As a result, the motion for a default judgment was granted at the time of the hearing. It is well established that the objectives of professional discipline include the following:

- (1) to promote the rehabilitation of the licensee;
- (2) to protect the public; and
- (3) to deter other licensees from engaging in similar conduct.

State v. Aldrich, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*. 41 Wis. 2d 481, 485 (1969).

The respondent's conduct created a genuine risk to the health, safety and welfare of a patient. The failure to perform a nursing assessment is a serious matter. A proper assessment is vital to the patient's health care treatment and to other health care providers who subsequently come in contact with the patient. The respondent's dishonesty about having performed the nursing assessment creates an additional risk of harm. Although the respondent admitted that she had lied after being confronted with discrepancies in the record, her initial inclination was not to tell the truth. Honesty is a core value essential to the nursing profession; safe patient care depends on accurate, reliable information from the nursing staff. Respondent's conduct calls into question her understanding or willingness to abide by this core value.

Given the respondent's failure to provide any evidence in the record, the Board is unable to determine with any certainty that the respondent is willing and able to abide by the standards of safe nursing practice. Nor is the Board willing to presume that the continued or future licensing of the respondent would be compatible with the protection of the public safety, health and welfare, given her non-cooperation in the disciplinary process. Clearly, the respondent is in need of more than continuing education to refocus her awareness of the importance of abiding by the standards of the profession.

Finally, if the Board were to adopt the recommendations for a reprimand, education and costs, the respondent would gain the same result as others who have cooperated with the Board in the disciplinary process. This would send the wrong message not only to the respondent, but to other licensees, thereby destroying any incentive for them to cooperate with the Board or to take personal responsibility for their misconduct.

Given the factors involved in this case, it is necessary and appropriate to send a strong message to deter the respondent and others who may engage in similar misconduct or who may be tempted to ignore or avoid the disciplinary process.

STATE OF WISCONSIN
BOARD OF NURSING

Marilyn Kaufmann, RN, PhD
Chair

2/28/08

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."