

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
: LS0804039NUR
SUE E. WALTER, L.P.N., :
RESPONDENT. :

Division of Enforcement Case Nos. 06 NUR 410 and 06 NUR 411

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

Sue E. Walter, L.P.N.
5711 Heath Street
Weston, WI 54476

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. Sue E. Walter, L.P.N., (DOB 06/04/1973) is duly licensed as a practical nurse in the State of Wisconsin (license # 31-303256). This license was first granted on July 12, 2001.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 5711 Heath Street, Weston, Wisconsin, 54476.

06 NUR 410

3. At all relevant times, Respondent was the Executive Director of Harbor House CBRF, a Community Based Residential Facility ("CBRF") in Wausau, Wisconsin.

4. On or about July 25, 2006 through August 1, 2006, the Department of Health and Family Services conducted an inspection of Harbor House CBRF in Wausau. Among other violations of CBRF rules, they noted the following:

- (a) Respondent failed to address combative, antagonistic and disruptive behaviors posed by a resident, who attacked other residents on several occasions, in violation of Wis. Admin. Code §§ HFS 83.11(3)(h) and HFS 83.32(2)(a)5. Respondent was made aware of DHFS's concerns regarding similar behavior of a resident during an earlier inspection which was completed on April 4, 2006, and failed to address the resident's behaviors by the time inspectors returned in July and August of 2006.
- (b) Respondent failed to ensure that residents and/or their representatives received their mail, in violation of Wis. Admin. Code § 83.21(4)(b).
- (c) Respondent failed to ensure that residents who were incontinent were kept clean and dry, in violation of Wis. Admin. Code §§ HFS 83.21(4)(g) and HFS 83.33(2)(a). Several residents were observed in urine-soaked and soiled clothing, sometimes for hours at a time.
- (d) Respondent failed to ensure that contaminated laundry was washed separately from resident clothing and face cloths, washer temperatures were not high enough to decontaminate, and staff was not permitted to use bleach on contaminated laundry, in violation of Wis. Admin. Code § HFS 83.21(4)(w).
- (e) Respondent failed to ensure that the furnishings were clean, in violation of Wis. Admin. Code § HFS 83.41(3)(c). Residents frequently sat on furnishings with urine-soaked and soiled garments. Chairs were not cleaned and urine and feces was observed on a chair on one occasion.

06 NUR 411

5. At all relevant times, Respondent was the Executive Director of Harbor House Merrill I, a CBRF in Merrill, Wisconsin.

6. On or about April 26 2006 through April 27, 2006, the Department of Health and Family Services conducted an inspection of Harbor House Merrill I in Merrill. Among other violations of CBRF rules, they noted the following:

- (a) During her tenure, Respondent failed to ensure that individualized service plans were developed and kept current and complete for each resident, in violation of Wis. Admin. Code § 83.32(2)(a).

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

ORDER

IT IS ORDERED:

1. Sue E. Walter, L.P.N., is REPRIMANDED.
2. The license of Sue E. Walter to practice as a practical nurse in the State of Wisconsin is LIMITED as follows:

Practice restrictions

- (a) For at least two years from the date of this order, Respondent shall practice only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- (b) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders

immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.

- (c) Pursuant to Uniform Nursing Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation and any subsequent related limitations. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and of the regulatory board in the state in which Respondent proposes to practice.

Required reporting

- (d) For a period of at least two [2] years from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.
- (e) Respondent shall notify the Department Monitor of any change of nursing employment and of any significant change in job duties. Notification shall occur in advance of a change of employment and shall include an explanation of the reasons for the change.

Continuing education

- (f) Within 180 days from the date of this order, Respondent shall submit acceptable documentation of successful completion of the following continuing education courses:
 1. University of Wisconsin School of Nursing continuing education program entitled "Legal Issues for Nurses in Today's Health Care Environment," or other similar training pre-approved by the Board.
 2. Three (3) hours of continuing education in urinary incontinence.
 3. Six (6) hours of continuing education in dealing with disruptive patient behaviors.
 4. Three (3) hours of continuing education in delegation, supervision and the role of the LPN.
- (g) Respondent shall be 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 180 day time frame, taking into account the board's meeting schedule.
- (h) Respondent shall be responsible for all expenses incurred for training and other reporting as required by this order. Acceptable documentation shall include:
 1. Certification from the sponsoring organization.
 2. A statement signed by Respondent verifying her attendance at and completion of course requirements, as well as (if required by the Board) a statement signed by a proctor approved by the Board verifying Respondent's attendance and completion of course requirements; and
 3. If requested by the Department Monitor, proof of successful completion of a post-test acceptable to the Board and/or submission of other documentation of course content comprehension acceptable to the Board.

Department Monitor

- (l) Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports and coordinating all requests for approval of education or other petitions. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

Petition for termination of restrictions

- (m) Upon completion of: two [2] years of complete, successful and continuous compliance with the terms of this limitation that includes two [2] years of nursing employment under the terms of this Order, Respondent may petition the Board to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§ 227.01(3) and 227.42.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Six Hundred Dollars (\$600.00). 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

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 or fails to comply with the ordered continuing education, the Respondent's license (# 31-303256) 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

4/3/08

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
SUE E. WALTER, L.P.N., : LS# _____
RESPONDENT. :

Division of Enforcement Case Nos. 06 NUR 410, 06 NUR 411

Sue E. Walter, L.P.N., personally and by her attorney Stephen J. Meyer; 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 Nos. 06 NUR 410 and 06 NUR 411). 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, she 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.

Sue E. Walter, L.P.N.
57 11 Heath Street
Weston, WI 54476

Date

Stephen J. Meyer
Meyer Law Office
Attorney for Sue E. Walter, L.P.N.
10 E. Doty St. # 507
Madison, WI 53703-3397

Date

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

Date