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

Richard Givhan, RN
3170 N. 13th St.
Milwaukee, WI 53206

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on 8/29/07. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. 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. Richard L. Givhan (dob: 11/19/50) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #82546. This license was first granted 9/23/82.
2. On 3/13/06, at approximately 11:00 PM, and while employed as a professional nurse by an agency contracted to provide home care services to a 23 year old cerebral palsy patient, Respondent fell asleep while on duty, and the patient’s mother noted the distinct odor of an alcoholic beverage on Respondent’s breath. This matter was reported to Respondent’s employer the next morning, by the patient’s mother. Respondent denies these allegations.
3. Respondent was then requested by his employing agency to report to the office; when he did report he had the distinct odor of an alcoholic beverage upon his breath, and refused to provide a sample of urine from his body, for the purposes of testing for substances of abuse.
4. Respondent is, by reason of medical condition (spinal cord injury), currently unable to provide clinical nursing services to patients, and he is receiving Social Security Disability as his sole source of income. The Board has no evidence that Respondent’s intellectual capabilities are impaired.

CONCLUSIONS OF LAW

- A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(b),(c), and (d), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- B. The conduct described in paragraph 2, above, violated Wis. Adm. Code §§ N 7.03(2) and N 7.04(15). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order, the license of Richard Givhan, R.N., is LIMITED in the following matter: Respondent shall not provide clinical nursing services until such time as he can demonstrate to the Board’s satisfaction that he is physically capable of practicing clinically with skill and safety to patients. Respondent may provide non-clinical nursing services including, but not limited to, file review, classroom teaching, and case management.

IT IS FURTHER ORDERED, that the Costs are waived based on Respondent’s present financial circumstances.

Dated at Madison, Wisconsin this May 7, 2009,

WISCONSIN BOARD OF NURSING, by:

Marilyn Kaufmann
Chairperson