

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**
:
BETTY STANLEY, R.N., : LS0811132NUR
RESPONDENT. :

Division of Enforcement Case #05 NUR 10/58

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

Betty Stanley
1302 Black Hawk Blvd
Rockton IL 61072

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 11/13/08. 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. Betty L. Stanley (dob: 12/21/58) 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 #121242. This license was first granted 10/2/95. Respondent was previously disciplined by the Board in file 97 Nur 57, as reciprocal discipline. In that case, Respondent's license had been limited (placed on probation) in Illinois, with terms and conditions related to her refusing a urine test following an accusation of diversion of a controlled substance. Respondent's license was restored to unlimited status on 6/28/00. Respondent is not currently licensed in any state other than Wisconsin.
2. In 2004, and while employed at two unrelated nursing homes, Respondent committed multiple documentation errors. While at one of the nursing homes, out of 260 documented withdrawals of controlled substances from the Pyxis machine in a 26 day period, 115 were not documented as having been administered to the patient on the Medication Administration Record, 20 had one dosage unit documented as administered although two were withdrawn (without any wastage being documented, and thus causing the patient to be charged for both dosage units), and 25 had other significant errors such as giving a similar medication instead of the exact medication which had been ordered. The other 100 documented withdrawals were correctly documented on the Medication Administration Record, thus demonstrating that Respondent understood how to document correctly, and was capable of doing so. At the other facility, there were repeated irregularities in shift-change counts, all of which were associated with Respondent's working times, and all of which ceased immediately when Respondent was forbidden any access to controlled substances.
3. Respondent denies any diversion, but agrees that her documentation of administering medications was incomplete.

Following an AODA assessment at Mercy Options, Janesville, Wisconsin, Respondent was not diagnosed with any substance abuse or dependence condition.

4. Respondent is currently engaged in nursing practice, and has been continuously since 2004; the Board has received no further complaints regarding her practice.

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(1)(a) and (b), and 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:

1. Betty Stanley, R.N., is REPRIMANDED for her unprofessional conduct in this matter.
2. Respondent shall, no later than June 30, 2009, demonstrate that she has successfully completed no less than 6 hours of continuing education in medication administration, and 6 hours of continuing education in documentation, which continuing education shall have been pre-approved by the Board or its designee.
3. Respondent shall, upon request of the Board, Department Monitor, or designee of either, including a request made through any law enforcement officer, submit a sample of her blood, breath, urine, or hair, for testing. This shall not be deemed a limitation on Respondent's license, but failure to comply shall be deemed a violation of a Board order, and unprofessional conduct under Wis. Adm. Code § N.7.04(14), and the Board may also proceed under par. 5, below.
4. Respondent shall pay costs of \$2,500, to the Department of Regulation and Licensing, before 1/5/11. In the event Respondent fails to timely submit full payment of costs, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid the costs in full, together with any accrued interest.
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 Respondent fails to timely comply with the ordered continuing education, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

Dated at Madison, Wisconsin this April 2, 2009,

WISCONSIN BOARD OF NURSING, by:

Marilyn Kaufmann
Chairperson