

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BETTY J. LAFLEUR LENTZ, L.P.N.,	:	LS0902268NUR
RESPONDENT.	:	

[Division of Enforcement Case # 04 NUR 400]

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

Betty J. LaFleur Lentz, L.P.N.
1329 4th Avenue N
Onalaska, WI 54650

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and 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 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 J. LaFleur Lentz, L.P.N., Respondent, date of birth June 11, 1952, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 13380, which was first granted February 16, 1973.
2. Respondent's address of record with the Department of Regulation and Licensing is 1329 4th Avenue N Onalaska, WI 54650.
3. During the events of this matter, Respondent was employed at Chileda Habilitation Institute (Chileda) in LaCrosse, Wisconsin. Chileda is a home and care center for children and young adults who have developmental disabilities due to closed head injuries, seizure disorders, cerebral palsy, autism, behavioral and genetic liabilities, and physical handicaps. Chileda is not a medical facility.
4. On all dates relevant to this matter, Respondent served as the “Director of Health Services.”
5. As Director of Health Services, Respondent assumed responsibility for training and evaluating medical facilitators who are not health care professionals but who have passed a CBRF medication course. It was Respondent’s responsibility to manage administration of medications. While Chileda does have a physician medical director, that individual does not typically consult with staff concerning care of particular patients. On an annual basis, the medical director reviews policies written by Respondent as Director of Health Services.

6. Respondent coordinates with local physicians to serve as residents' primary physicians. It is common for children to additionally see specialty physicians in the area, dependent upon the children's specific needs.

7. On April 19, 2004, TK (DOB 07/07/96) was admitted to Chileda. Upon admission, Dr. Pam Hanson was designated as TK's primary physician. TK had diagnoses of pervasive developmental disorder, severe mental retardation seizure disorder with history of status epilepticus, s/p g-tube placement, and gastro-esophageal reflux disease.

8. On the date TK was admitted, Chileda required TK's parents to provide new prescriptions for medications TK was taking at the time. Among these was a one-year prescription for diastat, 10 mg, rectal gel for seizures. According to the prescription, the drug was to be administered any time TK seized for longer than two minutes, or if TK experienced two seizures in a four-hour period.

9. TK's parents provided Chileda with one dose of diastat they possessed at the time TK was admitted.

10. On May 20, 2004, TK's mother participated in a thirty-day staffing with Chileda personnel via telephone. Respondent reported that during the initial thirty days, TK had not needed the diastat, though a possible "second long" seizure was noted. Respondent indicated that TK had been taken on outings without the diastat because "they've been within minutes of professional care." According to Respondent's note from the thirty-day staffing: "Discussion of pros and cons with mother lead to decision not to have line staff carry diastat."

11. No physician, including the physician who prescribed TK's diastat, TK's local primary physician and an area specialist who had seen TK, were consulted prior to Respondent's decision to allow staff to remove TK from Chileda's facility without carrying the diastat.

12. Respondent has expressed the opinion, that rather than having staff take diastat on TK's outings, it would be better for staff to "follow standard protocol and call 911 immediately for anything potentially problematic with a child rather than put [staff] in the position of having to assess the situation." Respondent believes that her approach was consistent with Chileda's general policy, which was known and accepted by Chileda's medical director, but was never set forth in writing. Respondent's decision was never approved specifically for TK, or by any physician who had seen TK.

13. TK's mother states that she did not agree TK would leave Chileda's grounds with staff who did not carry diastat.

14. At no time when TK was taken from Chileda's grounds did he ever require administration of Diastat.

15. Because TK's physician had ordered administration of diastat after two minutes of seizure activity and there were no specific orders to the contrary, Respondent, as a licensed practical nurse, was not qualified by education, training or experience to allow staff under her direction to not carry TK's diastat when TK was transported away from Chileda.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out in paragraph 15, could be found to have engaged in misconduct as defined by Wis. Adm. Code § N 7.04(5), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Betty J. LaFleur Lentz, L.P.N., Respondent, as a licensed practical nurse in the state of Wisconsin is LIMITED as follows:

1. Within 120 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of 6 hours of continuing education in the area of management and supervision of non-professional staff, which course(s) shall first be approved by the Board, or its designee.

2. Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the education the Board shall issue an Order removing this limitation of Respondent's license.

3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensin costs of this proceeding in the amount of \$2,600.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

2/26/09
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
BETTY J. LAFLEUR LENTZ, L.P.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 04 NUR 400]

It is hereby stipulated and agreed, by and between Betty J. LaFleur Lentz, L.P.N., Respondent; Guy DuBeau of Axley Brynelson, LLP, attorneys for Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (file 04 NUR 400). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
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 obtained advice of legal counsel prior to signing this Stipulation.
4. Respondent neither admits nor denies the allegations. Respondent agrees that there is evidence to support the findings and conclusion in the attached Final Decision and Order. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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 the 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 ever assigned as a case 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 case 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. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Betty J. LaFleur Lentz, L.P.N.
Respondent
1329 4th Avenue N
Onalaska, WI 54650

Date

Guy DuBeau
Axley Brynelson, LLP
Attorneys for Respondent
P.O. Box 1767
Madison, WI 53701-1767

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date