

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
TAMMY J. BAUER, R.N., : LS0911052NUR
RESPONDENT. :

[Division of Enforcement Case # 08 NUR 350]

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

Tammy J. Bauer, R.N.
N56 W25902 Richmond Road
Sussex, WI 53089

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

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. Tammy J. Bauer, R.N., Respondent, date of birth November 17, 1963, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 124985, which was first granted December 27, 1996.

2. Respondent's address of record with the Department of Regulation and Licensing is N56 W25902 Richmond Road, Sussex, WI 53089.

3. During the events of this matter, Respondent was employed as a registered nurse at Froedtert Hospital in Milwaukee, Wisconsin. Respondent was the Manager of the Cardiology Clinic and as part of her duties, supervised other staff members.

4. On July 10, 2008, Respondent asked her scheduling coordinator to access the electronic scheduling and medical record system, which contained private health information, to see if one of her staff members had a medical appointment. The staff member was not present in the department during his scheduled work hours and had not reported his absence to Respondent.

5. The scheduling coordinator accessed the information and confirmed that the staff member had a personal medical appointment in another clinic.

6. On July 18, 2008, Respondent presented to the Risk Office to self-report a violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which is a law substantially related to the practice of nursing.

7. An investigation was conducted and it was determined that Respondent's conduct was a direct violation of Froedtert Hospital's Rules of Staff Conduct – Breach of Confidentiality. As a result, Respondent's employment was suspended for five (5) days without pay. There is no evidence that Respondent re-released confidential information.

8. In the course of her employment, Respondent has received educational training in Protected Health Information (PHI) and HIPAA Privacy.

CONCLUSIONS OF LAW

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

2. Respondent's conduct, as set out above, constitutes misconduct or unprofessional conduct as defined by Wis. Admin. Code § N 7.04(1), and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Tammy J. Bauer, R.N., is hereby REPRIMANDED for the above conduct.

2. Respondent having completed the relevant continuing education as set out in Finding of Fact 8, no further education is required.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$220.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment shall be mailed or delivered to:

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

5. In the event Respondent fails to pay costs as ordered, 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 it is signed.

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

11/5/09

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
TAMMY J. BAUER, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 350]

It is hereby stipulated and agreed, by and between Tammy J. Bauer, R.N., 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 08 NUR 350). 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 been provided an opportunity to obtain 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. 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, if any, 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 that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Tammy J. Bauer, R.N.
Respondent
N56 W25902 Richmond Road
Sussex, WI 53089

Date

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

Date