

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
TINA M. BERRY, L.P.N., : Order 0000180
RESPONDENT. :

[Division of Enforcement Case # 09 NUR 301]

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

Tina M. Berry, L.P.N.
180 Evergreen Blvd
Marshall, WI 53559

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Tina M. Berry, L.P.N., Respondent, date of birth February 12, 1967, is licensed by the Wisconsin Board of Nursing as a practical nurse in the state of Wisconsin pursuant to license number 31-304721, which was first granted October 30, 2003.
2. Respondent's last address reported to the Department of Regulation and Licensing is 180 Evergreen Boulevard, Marshall, Wisconsin, 53559.
3. Respondent was terminated from employment for medication errors involving narcotics. Respondent signed out narcotic medications that had been discontinued and were not

to have been administered. In one case, Respondent signed out five times the previously prescribed dose of liquid morphine. There was no documentation as to what happened to the medication.

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 paragraph 3 above constitutes unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

ORDER

1. Tina M. Berry, L.P.N., is REPRIMANDED.

2. The license of Tina M. Berry, L.P.N., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- (a) Respondent, at her own expense, shall complete 6 hours of pre-approved continuing education in nursing documentation, and 6 hours of pre-approved continuing education in medication administration, within 90 days of the date of this Order. Respondent is 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 90 day time frame, taking into account the board's meeting schedule.
- (b) Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request.
- (c) 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, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
- (d) For a period of at least two (2) 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.

- (e) Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

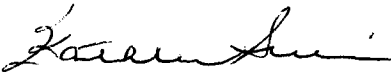
3. Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of Three Hundred Dollars (\$300.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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 timely submit payment of costs as ordered, or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#31-304721) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and/or completion of the continuing education.

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

Board of Nursing

By: 
A Member of the Board

5/6/10
Date