

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
SHELLY L. LATO, R.N.,	:	
RESPONDENT.	:	ORDER 0000621

---

Division of Enforcement Case # 09 NUR 028

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

Shelly L. Lato, R.N.  
3831 S. 93<sup>rd</sup> Street  
Milwaukee, WI 53228

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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Shelly L. Lato, R.N., (DOB 07/04/1970) is duly licensed as a registered nurse in the State of Wisconsin (license # 30-156989). This license was first granted on February 16, 2007.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3831 S. 93<sup>rd</sup> Street, Milwaukee, Wisconsin, 53228.

3. At all relevant times, Respondent was working as a home health nurse for Heartland Home Health Care & Hospice.

4. In the course of her duties, Respondent reported home visits for up to five patients that included vital signs, assessments, dressing changes and other cares. According to the patients, vitals were not taken, assessments did not occur, and their signatures were forged on visit notes. At other times, according to the patients, Respondent documented visits that did not occur at all. Respondent did not inform the physician of any missed cares.

5. According to patients, Respondent brought her child along on some patient visits.

6. Respondent denies the allegations although she does admit that the record keeping during the employment at issue could have been better which would have resolved these issues, but enters into this stipulation and order for purposes of resolving this matter without further expense.

#### 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 paragraphs 4-5 above constitutes a violation of Wisconsin Administrative Code §§ N 7.03(1) and N 7.04(13) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

#### ORDER

IT IS ORDERED:

1. Shelly L. Lato, R.N., is REPRIMANDED.

2. The license of Shelly L. Lato, R.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) Within ninety (90) days of the date of this Order, Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education in nursing ethics, and six (6) hours of pre-approved continuing education in record keeping. Respondent is responsible for finding

appropriate courses and submitting the course information to the Board for approval prior to taking the course.

- (b) For at least two years from the date of this order, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, agency or pool position. Notwithstanding that restriction, Respondent's current position at Hospice Advantage is approved, provided that her job description remains unchanged from the date of this order.
- (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) 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. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice under her Wisconsin license is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

4. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of One Thousand Dollars (\$1000.00), pursuant to Wis. Stat. § 440.22(2).

5. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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

6. 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 that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Karen Smith  
A Member of the Board

1-27-11  
Date