

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
LYNETTE M. DULEY, R.N., :
RESPONDENT. : **ORDER 0000980**

Division of Enforcement Case No. 11NUR071

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

Lynette M. Duley, R.N.
W6895 Edgewater Drive
Fond du Lac, WI 54937-8654

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. Lynette M. Duley, R.N., (DOB 07/29/1961) is licensed as a professional nurse in the State of Wisconsin (license no. 30-82429). This license was first granted on September 23, 1982.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is W6895 Edgewater Drive, Fond du Lac, WI 54937-8654.

3. At all times relevant, Respondent was employed as a registered nurse at Fond du Lac Lutheran Home in Fond du Lac, Wisconsin.

4. In December 2010, Respondent was promoted to Director of Nursing and issued a corporate credit card. In January 2011, Respondent was questioned about some of her purchases that appeared to be personal. Respondent denied making any personal purchases and provided an accounting of the purchases. Upon review, it was determined that the accounting was falsified and Respondent's employment was terminated.

5. In 2002, Respondent voluntarily surrendered her nursing home administrator license after being terminated from Oshkosh Medical and Rehabilitation Center for fraudulent use of a credit card and forgery of her boss' name on expense reports. Respondent completed five years of counseling and a five-year probation period.

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 4 above constitutes a violation of Wisconsin Administrative Code § N 7.04(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. The license of Lynette M. Duley, R.N., to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** for three months.

2. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **LIMITED** as follows:

- a. Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in ethics of nursing, within ninety (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 ninety (90) day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.

- b. For a period of at least two (2) years from the date on which the suspension is lifted:
 - i. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
 - ii. 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. Respondent may not work in any setting in which she has access to credit cards, cash or any patient valuables, financial documents or personal identity information.
 - iii. Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance.
 - iv. 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. After two (2) years from the date on which the suspension is lifted, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. During the pendency of this Order and any subsequent related orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

5. Respondent shall, within ninety (90) days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of four hundred dollars (\$400.00), pursuant to Wis. Stat. § 440.22(2).

6. All petitions, 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

7. 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 timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, 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.

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

Wisconsin Board of Nursing

By: L. M. CRAIG APNP
A Member of the Board

7/31/11
Date