

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
LILAMAE A. COLBURN, L.P.N.,	:	
RESPONDENT.	:	<b>ORDER 0001447</b>

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Division of Enforcement Case No. 11NUR180

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

LilaMae A. Colburn, L.P.N.  
3909 9<sup>th</sup> Court  
Wisconsin Dells, WI 53965

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Board of Nursing  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

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. LilaMae A. Colburn, L.P.N., (DOB 10/25/1956) is duly licensed as a practical nurse in the State of Wisconsin (license No. 31-20887). This license was first granted on November 28, 1978.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3909 9<sup>th</sup> Court, Wisconsin Dells, WI 53965.

3. During the events of this matter, Respondent was employed as a practical nurse at Golden Living Center ("Center") in Wisconsin Dells, Wisconsin.

4. On February 27, 2011, Respondent instructed certified nursing assistant (CNA) #1 to shave Resident A's face at his guardian's request. CNA #1 attempted to shave the resident by herself, but because he resisted, CNA #1 requested the assistance of Respondent and two other CNAs. CNA #2 shaved Resident A and placed her knee in his lap to keep his legs down. While CNA #2 shaved Resident A, CNA #1 held his head, CNA #3 held his left arm, and Respondent held his right arm. Resident A was combative trying to hit, kick and spit, indicating he did not want to be shaved.

5. The Center prompted an investigation when it came to their attention that Resident A was shaven without Health Care Power of Attorney knowledge. Respondent and the CNAs were ultimately terminated due to the incident.

6. In 2001, the Wisconsin Board of Nursing disciplined Respondent for administering a rectal suppository to a resident against the resident's will. Respondent was reprimanded and ordered to complete seven hours of continuing education in the area of patient management or care to the elderly. Respondent successfully completed the ordered education.

7. Respondent is not currently working as a nurse.

#### 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 above constitutes misconduct or unprofessional conduct as defined in Wisconsin Administrative Code § N 7.04(4), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, LilaMae A. Colburn, L.P.N., is REPRIMANDED.

2. The license of LilaMae A. Colburn, L.P.N. 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 shall notify the Department Monitor within fifteen (15) days of securing nursing employment and report the name of her employer, her start date, her position and her job duties.
- b. Within ninety (90) days of the date of this Order, Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in patient rights; and six (6) hours of pre-approved continuing education in care of the elderly. Respondent is responsible for finding appropriate course(s) and submitting the course information to the Board, or its designee, 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.
- c. For a period of at least two (2) years from the start of Respondent's nursing employment:
  - i. 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.
  - ii. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, during the two-year period.
  - iii. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.
  - iv. Respondent's supervisor(s) shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.
  - v. 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.
  - vi. 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.
  - vii. After two (2) years from the start of Respondent's nursing employment, 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.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of \$193.92, pursuant to Wis. Stat. § 440.22(2).

4. Any requests, petitions, reports, or payments shall be mailed, faxed or delivered to:

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

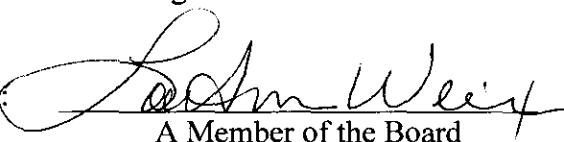
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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 payment of the costs or completion of the continuing education.

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

Dated at Madison, Wisconsin this 22 day of March 2012.

Board of Nursing

By:

  
A Member of the Board