

## 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
THEODORE C. ALEXANDER, L.P.N.,	:	
RESPONDENT.	:	<i>ORDER 0001990</i>

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Division of Enforcement Case No. 12NUR076

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

Theodore C. Alexander, L.P.N.  
538 W. Fransee Lane  
Glendale, WI 53217

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. Theodore C. Alexander, L.P.N., (DOB 10/16/1958) is licensed as a practical nurse in the State of Wisconsin (license no. 307831-31). This license was first granted on November 30, 2006.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 538 W. Fransee Lane, Glendale, WI 53217.

3. On January 4, 2012, while working in the home of a quadriplegic patient, Respondent walked away from the massage table where the patient was propped up, and the patient fell. Respondent immediately placed the patient back on the table. Respondent failed to thoroughly assess the patient after the fall.

4. Respondent reported the fall to the patient's father, who was home at the time of the fall, but failed to notify the patient's mother and the oncoming nurse per protocol. Respondent also failed to document the fall in the patient's medical record.

5. On January 5, 2012, the patient was taken to the hospital for x-rays, which revealed that the patient had a fractured femur. Following the surgery to repair his fractured femur, the patient suffered complications and ultimately died.

#### 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 3-4 above constitutes a violation of Wis. Admin. Code §§ N 7.03(1)(b) and (c) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

#### ORDER

1. The license of Theodore C. Alexander, L.P.N., to practice nursing in the State of Wisconsin is hereby **SUSPENDED** for a minimum of one hundred eighty (180) days, effective the date of this Order.

2. The suspension of Theodore C. Alexander, L.P.N.'s license is hereby **STAYED** immediately and shall remain stayed during the period of suspension as long as he is in compliance with the Terms and Conditions in paragraph 3 below.

- a. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any term or condition below. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision.
- b. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:

- i. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
  - ii. Actual notice to Respondent or Respondent's attorney.
- c. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be in the discretion of the Board or its designee.
- d. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code § SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

### RESTRICTIONS FOR STAY

3. Respondent, at his own expense, shall take and successfully complete a pre-approved licensed practical nurse nursing refresher course, within 180 days of the date of this Order. The refresher course shall include no less than 30 hours of theory and no less than 10 hours of laboratory. 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 180-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.

### LIMITATIONS

4. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.

5. For a period of at least two (2) 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.

6. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance.

7. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this Order. 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.

8. 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.

9. Upon successful completion of the requirements set forth in paragraphs 4-8 above, Respondent may petition the board for 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.

#### MISCELLANEOUS

10. Respondent shall, within one hundred eighty (180) days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Eight Hundred Dollars (\$800.00) pursuant to Wis. Stat. § 440.22(2).

11. All petitions, payments, reports and other correspondence shall be mailed or delivered to:

Department Monitor  
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

12. 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 (no. 307831-31) may, in the discretion of the Board or its designee, be or remain SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Julia Nelson, RN  
A Member of the Board

8/16/12  
Date