

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

RACHAEL A. BALTHAZOR, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0002348**

Division of Legal Services and Compliance¹ Case No. 12 NUR 466

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

Rachael A. Balthazor, L.P.N.
N7736 County Road D
Bear Creek, Wisconsin 54922

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Rachael A. Balthazor, L.P.N., (dob June 12, 1987) is licensed in the State of Wisconsin as a practical nurse, having license number 31-309993, first issued on August 13, 2008 and current through April 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N7736 County Road D, Bear Creek, Wisconsin 54922.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent worked as a nurse at Lakeview Manor Nursing Home, located in Weyauwega, Wisconsin.

3. On June 3, 2012, Respondent smeared chocolate pudding on Resident A's hands and on the wall next to Resident A's bed in order to make it look like Resident A was playing with his bowel movement.

4. Respondent was suspended by her employer for three days.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Rachael A. Balthazor, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § 7.04(4) by abusing a resident.

3. As a result of the above conduct, Rachael A. Balthazor, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Rachael A. Balthazor, L.P.N., is REPRIMANDED.

3. The practical nurse license issued to Rachael A. Balthazor, L.P.N., (license number 31-309993) is LIMITED as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on ethics and professional accountability and three (3) hours of education on care for the elderly offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. Respondent is prohibited from engaging in direct patient care until proof of satisfactory completion of the ordered education has been submitted to the Department Monitor.

d. For two (2) years from the date of this Order, Respondent shall provide this Order to current and future employers.

4. Within one hundred and twenty (120) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$250.00.

5. Requests of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Respondent fails to timely submit payment of costs or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 31-309993) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted proof of completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

By: *Stetson Lowe*
A Member of the Board

3/14/13
Date