

## 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

DALE UHR, L.P.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER

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:  
**0003022**

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Division of Legal Services and Compliance Case No. 13 NUR 634

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

Dale Uhr, L.P.N  
6029 59<sup>th</sup> Ave.  
Kenosha, WI 53142

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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. Dale Uhr, L.P.N., (DOB 9/21/1950) was licensed as a practical nurse in the State of Wisconsin (license no. 12401-31). This license was first granted on April 21, 1972. This license expired on April 30, 2013 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew the license upon payment of a fee until April 30, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6029 59<sup>th</sup> Avenue, Kenosha, Wisconsin 53142.

2. On March 18, 2013 the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, sent notice to the Respondent of a complaint against him.

3. The complaint alleged that Respondent engaged in unprofessional conduct when he diverted controlled substances from The Grove at the Lake in Zion, Illinois. Respondent was arrested for and charged with six misdemeanors as a result of that conduct.

4. Respondent failed to appear for a preliminary hearing on April 29, 2013 and the matter was continued until June 10, 2013.

5. On June 10, 2013, an Administrative Law Judge entered an Order of Default to the Illinois Board of Nursing and the matter was continued to September 30, 2013.

6. On September 30, 2013, the Illinois Board of Nursing recommended that the Director of the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, order that Respondent's license be indefinitely suspended for a minimum of one year.

7. On October 28, 2013, Director of the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, issued a final order was issued suspending Respondent's license indefinitely.

8. 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. The conduct described above constitutes a violation of Wisconsin Administrative Code §N 7.04(7) by having disciplinary action through final board adjudication taken against Respondent's license in Illinois.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Dale Uhr, L.P.N., (license no. 12401-31) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. In the event that Respondent ever re-applies for any credential in Wisconsin, Respondent shall, prior to such application, pay costs of this proceeding in the amount of (\$100.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

Wisconsin Board of Nursing

By: Julia Nelson, RN  
A Member of the Board

2/13/14  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DALE UHR, L.P.N.,  
RESPONDENT.

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STIPULATION

**0003022**

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Division of Legal Services and Compliance Case No. 13 NUR 634

Respondent Dale Uhr, L.P.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Dale Uhr, Respondent  
6029 59<sup>th</sup> Ave.  
Kenosha, WI 53142  
License no. 12401-31

12/27/93  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1/3/14  
\_\_\_\_\_  
Date