

## 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  
DOROTHY J. HUGHES, R.N., :  
RESPONDENT. : **0003787**

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Division of Legal Services and Compliance Case No. 14 NUR 395

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

Dorothy J. Hughes, R.N.  
9449 N. 49<sup>th</sup> Street, Apt. 104  
Brown Deer, WI 53233

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. Respondent Dorothy J. Hughes, R.N., (dob July 30, 1954) is licensed in the State of Wisconsin as a professional nurse, having license number 92680-30, first issued on January 14, 1986 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9449 N. 49<sup>th</sup> Street, Apartment 104, Brown Deer, Wisconsin 53223.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a home healthcare agency (Agency), located in Milwaukee, Wisconsin.

3. On February 17, 2014, Respondent sent an email from her Agency outlook account to her personal email account and to her son Sean Hughes. This email contained an attachment named "Consumer tracking list info1.xlsx". The attachment contained a page and a half chart of information about patients served by the Agency. This information included patient names, insurance information and dates of patient visits.

4. On March 23, 2014, Respondent sent an email from her Agency outlook account to her personal email account. This email contained an attachment named "Consumer tracking list info1.xlsx". The attachment contained a page and a half chart of information about patients served by the Agency. This information included patient names, insurance information and dates of patient visits.

5. On March 27, 2014, Respondent sent an email from her Agency outlook account to her personal email account. This email contained an attachment named "Consumer tracking list info1.xlsx". The attachment contained a chart almost two full pages of information about patients served by the Agency. This information included patient names, insurance information and dates of patient visits.

6. On April 16, 2014, Respondent sent an email from her Agency outlook account to her son, Sean Hughes. This email contained an attachment named "Consumer tracking list info1.xlsx". The attachment contained a chart almost two full pages of information about patients served by the Agency. This information included patient names, insurance information and dates of patient visits.

7. On May 5, 2014, Respondent sent an email from her Independence First outlook account to her personal email account. This email contained four (4) attachments, each relating to a different patient. The attachments contained assessment information, medication lists, medical history summaries, insurance information and activities of daily living information.

8. By emailing the above information to her son and to her personal email account, Respondent transmitted protected health information (PHI) of patients. The PHI was not encrypted and was not transmitted over a secure network as required by the regulatory requirements of HIPAA (Health Insurance Portability and Accountability Act of 1996). The unsecured electronic transmission of PHI violated the security standards set forth in 45 CFR § 164.306.

9. 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, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.04(10)<sup>1</sup> by revealing to other personnel not engaged in the care of the patient or to members of the public information which concerns a patient's medical condition without authorization.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1) by transmitting PHI of patients from her work email account to her personal email account, in violation of 45 CFR § 164.306.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d)<sup>2</sup>.

### ORDER

1. The attached Stipulation is accepted.

2. Respondent Dorothy J. Hughes, R.N., is REPRIMANDED.

3. The professional nursing license issued to Respondent Dorothy J. Hughes, R.N., (license number 92680-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of patient privacy and four (4) hours on the topic of ethics and professionalism 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. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.

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<sup>1</sup> All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

<sup>2</sup> Wis. Stat. (2011-2012).

5. Request 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:

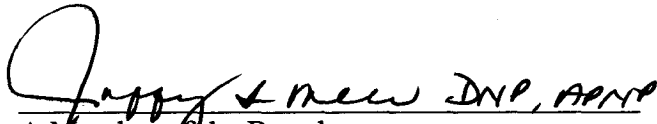
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 92680-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:

  
A Member of the Board

3-12-15

Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DOROTHY J. HUGHES, R.N.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0003787**

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Division of Legal Services and Compliance Case No. 14 NUR 395

Respondent Dorothy J. Hughes, R.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.

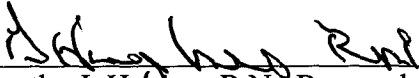
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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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Dorothy J. Hughes, R.N., Respondent  
9449 N. 49<sup>th</sup> Street, Apt. 104  
Brown Deer, WI 53233  
License no. 92680-30

2.10.15  
Date

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

2/12/15  
Date