

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 :
 : FINAL DECISION AND ORDER
GAIL J. BARKOW, R.N., :
RESPONDENT. :

ORDER 0006885

Division of Legal Services and Compliance Case No. 19 NUR 782

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

Gail J. Barkow, R.N.
Clintonville, WI 54929

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 Gail J. Barkow, R.N., (DOB XX/XX/1965) is licensed in the state of Wisconsin as a registered nurse, having license number 117570-30, first issued on August 17, 1994, and expired on February 29, 2016. Pursuant to Wis. Stat. 440.08(3), Respondent retains the right to renew upon payment of a fee, until February 28, 2021.

Order LS0811067NUR

2. On November 6, 2008, in case number 06 NUR 233, the Board reprimanded Respondent and limited Respondent's registered nursing license for two (2) years for violating

Wis. Admin. Code § N 7.04(2)¹, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, and Wis. Admin. Code § N 7.04(6)¹, by falsely stating she destroyed controlled substances and by having others falsely state that they observed her do so.

3. The Board ordered Respondent to pay the costs of the proceeding and to complete three (3) hours of education on the topic of nursing ethics and three (3) hours of education on the topic of legal aspects of nurses working with controlled substances and prescription medication, all within 120 days of the Order.

4. Respondent has not paid the costs of the proceeding or completed the ordered education.

5. Respondent was not allowed to renew their license in 2016 for failure to pay the costs of the proceeding and failure to complete the education as required by the above-mentioned Order. Respondent's license has remained expired since February 29, 2016.

19 NUR 782

6. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a community based residential facility (Facility), located in Gresham, Wisconsin.

7. On April 3, 2019, the Department initiated an investigation of Respondent based on allegations of improper handling of controlled substances and resident property and practicing nursing without a license.

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

CONCLUSIONS OF LAW

1. The Board 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 violated Wis. Admin. Code § N 7.03(1)(d), by practicing without an active license.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent's VOLUNTARY SURRENDER of the right to renew their license (license no. 117570-30) to practice nursing in the state of Wisconsin is accepted.

¹ References to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

3. In the event Respondent petitions the Board for reinstatement 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 Respondent petitions the Board for reinstatement of their license to practice nursing in the state of Wisconsin, or applies for another credential with the Department, Respondent shall come into compliance with Order LS0811067NUR and pay the costs of this matter in the amount of \$651.00, before any application is considered.

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

WISCONSIN BOARD OF NURSING

by: Peter Kallio
A Member of the Board

7/9/2020
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GAIL J. BARKOW, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006885

Division of Legal Services and Compliance Case No. 19 NUR 782

Respondent Gail J. Barkow, 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.

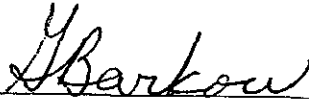
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Gail J. Barkow, R.N., Respondent
Shawano, WI 54166-1080
License No. 117570-30

6-12-2020
Date



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

06/15/2020

Date