

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

SHERRI M. HANAWAY, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006979

Division of Legal Services and Compliance Case No. 19 NUR 148

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

Sherri M. Hanaway, R.N.
Green Bay, WI 54313

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 Sherri M. Hanaway, R.N., (DOB xx/xx/1970) is licensed in the state of Wisconsin as a registered nurse, having license number 166978-30, first issued on April 1, 2009, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Green Bay, Wisconsin.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at medical center (Center), located in Shawano, Wisconsin.

3. Respondent working the overnight shift on January 4, 2019 into January 5, 2019 and was taking care of Patient A, who was going to undergo an emergent cesarean section procedure.

4. Respondent noted that Patient A's boyfriend was in and out of the room and smelled strongly of marijuana.

5. Patient A had a urinary catheter in preparation for the procedure. Respondent then removed a urine sample from the catheter and sent it to the lab for a drug screen. Patient A did not consent to the drug screen, nor did a physician order the drug screen.

6. Patient A's urine drug screen came back as positive for a prohibited controlled substance near the end of Respondent's overnight shift. Respondent informed Doctor B of the positive results.

7. On January 8, 2019, the Center was informed of the incident and began an internal investigation.

8. Respondent admitted to the Center that she did not have a physician's order or patient consent to run a drug screen on Patient A, but stated that the drug screen was not done in malice.

9. Respondent volunteered to the Center investigator that 2-3 weeks prior to this incident, she ordered a urine drug screen on another patient without a physician's order. At the time Respondent believed that the Center's internal protocols permitted her to do so.

10. Respondent stated that the labor and delivery unit, where she was working, had a focus on drug-impaired pregnant patients and their babies, and staff (including Respondent) were "keenly attuned to signs of impairment and babies who may be born needing additional assistance."

11. The Center's investigation concluded that by ordering a drug screen without a physician's order, Respondent violated internal protocols.

12. 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 violated Wis. Admin. Code § N 7.03(1)(e), by practicing beyond the scope of practice permitted by law.

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 is REPRIMANDED.

3. The registered nurse license issued to Respondent (license number 166978-30) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete two (2) hours of education on the topic of patient rights, and three (3) hours of education on the topic of professionalism in nursing, 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. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. 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. Pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in another Compact State, other than Wisconsin, while her license is encumbered by any term or restriction of this Order.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$422.00.

6. Request for 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

You may also submit this information online via DSPS' Monitoring Case Management System,
here:

<https://dspsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (166978-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

9/10/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHERRI M. HANAWAY, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006979

Division of Legal Services and Compliance Case No. 19 NUR 148

Respondent Sherri M. Hanaway, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

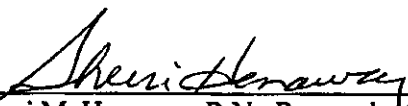
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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. Respondent is represented by Attorney Stacie Rosenzweig.
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 or Respondent's attorney, 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.

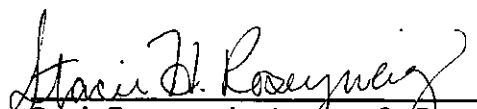
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Sherri M. Hanaway, R.N., Respondent
Green Bay, WI 54313
License no. 166978-30

8/2/2020


Date



Stacie Rosenzweig, Attorney for Respondent
Hailing & Cayo SC
320 E. Buffalo Street
Suite 700
Milwaukee, WI 53202

08/18/2020

Date



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

August 20, 2020

Date