

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
BEVERLY A. PATTERSON, L.P.N., :
RESPONDENT. : **ORDER 0008203**

Division of Legal Services and Compliance Case No. 22 NUR 298

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

Beverly A. Patterson, L.P.N.
Columbus, WI 53925

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 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. Beverly A. Patterson, L.P.N. (Respondent), (Year of Birth 1962) is licensed in the state of Wisconsin as a licensed practical nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 30437-31, first issued on November 22, 1990, and current through April 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Columbus, Wisconsin 53925.

2. At all times relevant to this proceeding, Respondent worked as a licensed practical nurse at an intermediate care facility for intellectually disabled patients, located in Madison, Wisconsin (Facility).

3. On April 16, 2022, Respondent arrived at the Facility to work the 0600 – 2100 shift. Respondent was advised that Patient A had returned from the hospital and that she would have to perform blood pressure checks on Patient A. Respondent informed other Facility nursing staff that because of her workload she did not have time to perform blood pressure checks for Patient A. Respondent stated, “I don’t have time for this fucking shit, blood pressure checks, I don’t care if it gets done or not, I don’t give a shit”.

4. Respondent was aware that Patient A is allergic to peanuts and legumes.

5. Respondent then grabbed a bag of bird seed and a few peanuts in the shell and proceeded to go outside to fill the bird and squirrel feeders. Respondent carried peanuts in the shell and bird seed past Patient A while Patient A was sitting in her wheelchair at the outside bird and squirrel feeding area. Respondent told another Facility staff member that she exposed Patient A to the peanuts intentionally because she did not believe that Patient A was really allergic to peanuts.

6. The Facility conducted an internal investigation and interviewed six staff members who reported the following about Respondent’s behavior on April 16, 2022:

- Respondent stated that she can’t stand Patient A.
- Respondent repeatedly complained about Patient A and having to care for Patient A.
- Respondent was upset with Patient A’s new feeding schedule and stated, “How am I going to keep up with these feedings?”
- Respondent said, “I don’t have time for this fucking shit.” “I don’t care if it gets done or not, I don’t give a shit.” Referring to blood pressure checks.
- Respondent told a coworker that she dropped or threw nuts on the tray or floor close to Patient A, at the feeding area, and said “see, you’re not allergic.”
- Respondent made a comment about Patient A being allergic to seeds or nuts and then said maybe we should give it to her (may have been said in joking manner).
- Respondent said referring to Patient A “I don’t care if she dies from this” while Respondent was walking in the vicinity of Patient A with peanuts and bird seed. “Someone should take her wheelchair and shove it down the sidewalk.”

7. When interviewed by the Facility, Respondent denied all allegations of wrongdoing. During the investigation at hand, Respondent reasserted her denial of all allegations of wrongdoing.

8. Respondent has decided to retire from the practice of nursing and 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 failed to perform nursing with reasonable skill and safety within the meaning of Wis. Admin. Code § N 7.03(6)(a).

3. By the conduct described in the Findings of Fact, Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety within the meaning of Wis. Admin. Code § N 7.03(6)(c).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice as a licensed practical nurse in the state of Wisconsin, as well as her right to apply to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a licensed practical nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$529.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a licensed practical nurse in the state of Wisconsin, 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 sole discretion of the Board and such decision is not reviewable.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By: Robert Weisman, RN-CCNP
A Member of the Board of Nursing

10/13/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BEVERLY A. PATTERSON, L.P.N.,
RESPONDENT.

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:
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STIPULATION
ORDER 0008203

Division of Legal Services and Compliance Case No. 22 NUR 298

Beverly A. Patterson, L.P.N. (Respondent) 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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

Beverly A. Patterson, L.P.N., Respondent
Columbus, WI 53925
License No. 30437-31

Date



9/23/2022

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

Date