

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST

LINDA H. GEREK, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
98 NUR 225
LS9907212NUR

The Parties to this action for purposes of Wis Stats. sec. 227.53 are:

*Linda H. Gerek
N17W5262 Garfield Street
Cedarburg, WI 53012*

*Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed the Stipulation and considers it acceptable. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Linda H. Gerek (D.O.B. 09/13/66) is duly licensed as a licensed practical nurse in the state of Wisconsin (lic # 33441). This license was first granted on January 22, 1996.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is N17W5262 Garfield Street, Cedarburg, WI 53012.
3. On February 23, 1999, Respondent was convicted in the Milwaukee County Circuit Court in case 98 CF 6595 of obtaining controlled substances by fraud. The conviction was based upon Respondent's theft of Percocet , Ativan and Klonopin from medical supplies at Audubon Health Care Center, Bayside, Wisconsin, for her personal use.

As a condition of her sentence in the criminal matter Respondent is prohibited from engaging in nursing employment during her 3 year probation.

4. During October, 1998, while employed as a practical nurse at Westmoreland Hospital, Waukesha, Wisconsin, Respondent diverted a cassette of Lortab, a controlled substance, from her employer for her personal use
5. An evaluation of Respondent by Charter Behavioral Health System, on December 2, 1998, resulted in a diagnosis of benzodiazepine, narcotic analgesic dependence.
6. Respondent is not currently practicing as a nurse, and tenders the voluntary surrender of her license to

practice as a nurse in the state of Wisconsin.

CONCLUSIONS OF LAW

By the conduct described above, Linda H. Gerek is subject to disciplinary action against her license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(c) and (d) and Wis. Adm. Code sec. N 7.03(2) and N 7.04(1), (2) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The stipulation of the parties is accepted.
2. The VOLUNTARY SURRENDER by Linda H. Gerek of her license to practice as a licensed practical nurse in the state of Wisconsin is accepted.
3. In the event Respondent shall ever re-apply for a license to practice as a nurse in the state of Wisconsin, she shall, in addition to all other requirements for licensure, demonstrate to the satisfaction of the Board of Nursing that she does not have a chemical dependence, and that she can safely and reliably perform nursing functions.
4. This Order shall become effective upon the date of its signing.

Wisconsin Board of Nursing

By:

Timothy D. Burns, CRNA

Chair

July 21, 1999

Date