

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
LINDA K. PARKER, R.N., :
RESPONDENT. : LS # 0705231 NUR

Division of Enforcement Case # 07 NUR 126

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

Linda K. Parker, R.N.
1712A 23rd St.
Two Rivers, WI 54241

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board of Nursing on May 23, 2007. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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

1. Linda K. Parker, R.N., (DOB 10/08/1968) is duly licensed as a registered nurse in the State of Wisconsin (license #30-140390). This license was first granted on July 2, 2002.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1712A 23rd St., Two Rivers, Wisconsin, 54241.
3. On or about September 14, 2006, the Board of Nursing issued an order indefinitely suspending Respondent's

license to practice nursing, for obtaining a prescription drug by fraud.

4. Respondent continued to work as a registered nurse, at a nursing home, for approximately six months after her license was suspended. She was terminated on March 20, 2007, when the nursing home was alerted to her suspended license.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-4 above constitutes a violation of Wis. Stat. § 441.06(4) and Wisconsin Administrative Code § N 7.04(14), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

IT IS ORDERED:

1. The license of Linda K. Parker, R.N., Respondent, to practice as a registered nurse in the state of Wisconsin is hereby REVOKED.

2. Wis. Stat. § 441.07(2) provides that the Board may reinstate a revoked license, no earlier than one year following revocation, upon receipt of an application for reinstatement. If Respondent applies for reinstatement anytime after one year from the date of this Order:

a. She shall provide proof sufficient to satisfy the Board that she does not suffer from any alcohol or drug related condition or other psychological condition which impairs her ability to function under the credential with limitations.

b. The decision whether to grant Respondent a credential shall be in the sole discretion of the Board. In the event that the Board grants Respondent a credential, the credential shall be subject to all terms of the Board's September 14, 2006 Order regarding Respondent's license. The Board may order any additional conditions or limitations as it sees fit.

c. Prior to any reinstatement, Respondent shall have paid the costs of this proceeding in the amount of Two Thousand, Four Hundred Dollars (\$2,400.00), pursuant to Wis. Stat. § 440.22(2). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

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

Dated at Madison, Wisconsin this 13th day of December, 2007.

Board of Nursing

By: Marilyn Kaufmann

A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
LINDA K. PARKER, R.N. : STIPULATION
 : LS# 0705231 NUR
RESPONDENT. :

Division of Enforcement Case # 07 NUR 126

Linda K. Parker, R.N., personally on her attorney Christopher Bandt; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 07 NUR 126). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the revocation of her license to practice as a registered nurse in the State of Wisconsin, as well as the revocation of her privilege to practice nursing pursuant to the Multi-State Nurse Licensure Compact. Respondent agrees that she will not reapply for Wisconsin licensure as a nurse for at least one year from the date that the attached Order is signed. In the event that Respondent does in fact apply for Wisconsin licensure as a nurse prior to one year from the date this Order is signed, the Board may deny that application based upon Wis. Stat. § 441.07(2) and this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation. After one year from the date this Order is signed, Respondent may reapply for licensure as a nurse in Wisconsin, however the decision to reinstate her license is in the sole discretion of the Board.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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.

6. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. 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.

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

Linda K. Parker, R.N.
1712A 23rd St.
Two Rivers, WI 54241

Date

Christopher Bandt
Nash, Spindler, Grimstad & McCracken, LLP
Attorneys for Linda K. Parker, R.N.
201 E. Waldo Blvd
Manitowoc, WI 54220-2908

Date

Jeanette Lytle, Attorney
Division of Enforcement
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P.O. Box 8935
Madison, WI 53708-8935

Date