

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 :

FINAL DECISION AND ORDER

NICHOLAS J WOZNIAK, L.P.N., :
RESPONDENT. :

Order 0000243

Division of Enforcement Case #08 NUR 342

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

Nicholas J. Wozniak
N1785 Cty Rd E
Waupaca, WI 54981

Wisconsin 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

PROCEDURAL HISTORY

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 this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nicholas J. Wozniak (D.O.B. 8/18/52) is duly licensed in the state of Wisconsin as a practical nurse (license # 16993). This license was first granted on 12/10/75.

2. On 8/28/08, and while employed as a practical nurse at the Wisconsin Veterans Home, King, Wisconsin, Respondent attempted to administer an oral medication via a spoon to a blind resident, but failed to first inform the resident of what was about to happen. The resident resisted the placing of the spoon in his mouth, resulting in the medication being spilled onto the resident's clothing; Respondent then ceased efforts to administer the medication and did not chart what had happened.

3. On that same day, another resident was due to have his catheter irrigated by Respondent. Respondent charted that he had irrigated the catheter, but in fact failed to do so.

4. Respondent's history showed prior discipline by his employer for charting that he had administered medication which was not, in fact, available and was not, in fact, administered; for charting that a resident was absent for a treatment but failing to include specifics and failing to complete weekly wound care documentation; and failing to complete weekly wound care documentation on another occasion.

5. Respondent represents to the Board that he has been diagnosed with mental health conditions, and remains under medical care; he has not practiced nursing since 8/28/08 because of his anger at work and his feeling that he could no longer cope with the stresses of the job.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against his license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.03(1)(a), (b), (c), (e), and N 7.04(1) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Nicholas J. Wozniak to practice as a nurse in the state of Wisconsin is LIMITED as follows: Respondent shall not engage in the practice of nursing, without permission of the Board. Respondent may petition the Board at any time for permission to resume practice, and shall undergo whatever mental health or other evaluations, and continuing education including but not limited to a full refresher course, the Board may, at that time, request. The decision to permit practice, whether limited or unrestricted, shall be entirely within the discretion of the Board, and the denial of an unrestricted license or the imposition of limitations shall not constitute a denial of license or entitle Respondent to a hearing on the Board's determination, such hearing being expressly waived.

2. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$200, no later than 4/5/11. If not paid, Respondent's

license shall be SUSPENDED without further notice or hearing, until they are paid in full, together with any accrued interest.

WISCONSIN BOARD OF NURSING

By: Marilyn Kaufmann
A Member of the Board

6/3/10
Date

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