

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
ROSEMARY V. BARAJAS, L.P.N., : FINAL DECISION AND ORDER  
RESPONDENT. : ORDER 0000020

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Division of Enforcement Case # 08 NUR 305

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

Rosemary V. Barajas, L.P.N.  
615 W. High Street  
Whitewater, WI 53190

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

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 of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Rosemary V. Barajas, L.P.N., (DOB 11/03/1956) is duly licensed as a practical nurse in the State of Wisconsin (license # 31-30228). This license was first granted on June 6, 1990.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 615 W. High Street, Whitewater, Wisconsin, 53190.

3. After a patient died on August 11, 2008, Respondent undertook the responsibility of destroying his medications, which included Ativan and morphine. Respondent claims that nurse B.B. witnessed the destruction. Nurse B.B. denies witnessing the destruction of those medications, and claims that her signature on the medication destruction records was forged.

4. On two other occasions (April 3, 2008 and April 11, 2008) Respondent did not have a witness to the destruction of Ativan.

5. Respondent is prescribed Ativan.

#### 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 3-5 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

IT IS ORDERED:

1. Respondent Rosemary V. Barajas, L.P.N., is REPRIMANDED.

2. The license of Rosemary V. Barajas, L.P.N. to practice nursing in Wisconsin, and her privilege to practice nursing in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

(a) Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis, forthwith upon such request.

3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$400.00, pursuant to Wis. Stat. § 440.22(2).

4. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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

5. In the event that Respondent fails to pay costs as ordered, or fails to respond within five hours to a request for testing in paragraph 2(a) above, Respondent's 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 this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

1/28/10  
Date