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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
ANNE VESELACK, R.N., RESPONDENT.	:	LS9601262NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 3rd day of May 1996.

Pamela D. Mason RN

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	PROPOSED DECISION
ANNE VESELACK, R.N., RESPONDENT.	:	[Case No. LS 9601262 NUR]

The parties to this proceeding for the purposes of sec. 227.52, Stats., are:

Anne Veselack, R.N.
34519 North Polk
Ingleside, IL 60041

State of Wisconsin
Board of Nursing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

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

A hearing was held in the above-captioned matter on February 28, 1996. The complainant appeared by Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, Madison, Wisconsin 53708. The respondent, Anne Veselack, did not appear nor was anyone present to represent her.

On the basis of the entire record, the administrative law judge recommends that the Board of Nursing adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Anne Veselack, R.N. (D.O.B., 08/15/60) is duly licensed as a practical nurse in the state of Wisconsin, pursuant to license #104120). This license was first granted on April 11, 1990.

2. Ms. Veselack's most recent address on file with the Wisconsin Board of Nursing is 34519 North Polk, Ingleside, Illinois 60041.

3. On January 30, 1995, the Illinois Department of Professional Regulation imposed discipline upon the Illinois license of Ms. Veselack to practice as a registered nurse. The Illinois disciplinary action was taken in light respondent's conviction of attempting to acquire a controlled substance with a forged prescription. Respondent was placed upon probation for a period of 18 months and ordered to comply with various enumerated requirements during that time. A copy of the Illinois Consent Order, dated January 30, 1995, is attached hereto and incorporated into this document by reference.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Chapter 441.07, Stats.

2. The respondent is in default in this proceeding due to her failure to file an Answer to the Complaint or appear at the hearing. Accordingly, the Board of Nursing may make findings and enter an order on the basis of the Complaint and other evidence, pursuant to sec. RL 2.14, Wis. Adm. Code.

3. By the conduct described in paragraph 3 of the Findings of Fact, the respondent is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to sec. 441.07(1), Stats., and secs. N 7.04(1), (2), (7) and (15), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Anne Veselack to practice as a registered nurse in the state of Wisconsin shall be, and hereby is, revoked, effective the date of the Final Decision and Order of the Board of Nursing.

FURTHERMORE, IT IS ORDERED that the reasonable costs of this proceeding be imposed upon the respondent, Anne Veselack, pursuant to sec. 440.22, Stats.

OPINION

The respondent, Anne Veselack, was placed on probation by the Illinois Department of Professional Regulation pursuant to the terms of a Consent Order dated January 30, 1995. (Exhibit A). The Consent Order states that the action was based upon respondent's conviction of attempting to acquire a controlled substance with a forged prescription order, in July of 1993. The terms of Ms. Veselack's disciplinary probation in Illinois require that she comply with several conditions listed within the Consent Order for a period of 18 months. Simply stated, these include: 1) submitting to monthly urine screens for controlled substances, 2) not ingesting any controlled substances unless prescribed for a therapeutic purpose, 3) not testing positive for controlled substances other than those validly prescribed for treatment, and 4) providing quarterly letters detailing her employment or volunteer duties as a nurse.

Ms. Veselack failed to file a written Answer to the allegations within the Complaint and did not appear at the evidentiary hearing. Accordingly, complainant's attorney requested that respondent be found in default under sec. RL 2.14, Wis. Adm. Code. The motion was granted.

Given respondent's failure to file an Answer or appear at the hearing, the allegations within the Complaint are accepted as true. Accordingly, the primary issue here is the appropriate discipline, if any to be imposed against respondent's license to practice as a registered nurse in the state of Wisconsin. In this regard, it must be recognized that the interrelated purposes for applying disciplinary measures are: 1) to promote the rehabilitation of the licensee, 2) to protect the public, and 3) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

Complainant's attorney recommended, and it is proposed in this decision, that the respondent's license be revoked. The failure of respondent to acknowledge this proceeding through either a written response or participation in the hearing results in the record being barren of mitigating circumstances respecting respondent's fraudulent attempt to obtain controlled substances, which subsequently led to the Illinois licensure action.

In most circumstances it is appropriate to conclude that the interests of Wisconsin citizens will be adequately safeguarded by adopting a discipline similar, if not identical, to that of a licensee's resident state. That is especially true under circumstances in which the licensee is not actively practicing in Wisconsin. However, in cases in which the licensee has failed to acknowledge this state's proceedings and authority respecting her right to practice, such an approach should not be adopted automatically.

A review of the Illinois Consent Order indicates that the probationary conditions imposed upon respondent in response to her controlled substances violation are less stringent, and the quarterly reporting requirements less demanding than normally required by the Wisconsin Board of Nursing in related "impaired practitioner" cases. Furthermore, there is nothing in the record to establish with certainty that respondent intends to only practice her profession in the state of Illinois, either now or in the near future. Deference to the discipline imposed by the state in which the professional practice will be conducted is appropriate. However, that assurance is lacking in this case, which argues against recommending the Illinois probationary conditions. Were the Illinois conditions adopted in their entirety at this time and respondent subsequently decided to move to or practice in Wisconsin, those conditions might very well be perceived as inadequate and inconsistent with conditions required of other licensees practicing in this state at the time of their discipline for similar violations.

This factor, combined with respondent's failure to participate in this proceeding, suggests that respondent should not be permitted to practice in this state until such time as the board has had an opportunity to more fully determine respondent's ability to practice nursing consistent with the health, safety and welfare of the public. Respondent's non-participation has deprived the board of that current opportunity. Her license should be revoked until such time as her fitness to practice upon the Wisconsin public, or the appropriate conditions under which she should be permitted to do so, is established to the satisfaction of the board.

Dated this 4th day of March, 1996.

Respectfully submitted,

Donald R. Rittel
Administrative Law Judge

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Illinois Department of Professional Regulation

Nikki M. Zollar
Director

Jim Edgar
Governor

CERTIFICATION OF PROCEEDINGS

RE: DEPARTMENT OF PROFESSIONAL REGULATION

V.

ANNE VESELACK
LICENSE NO. 041-217496
DOCKET NO. 93-8128
NURSE

I, TEMPLE MCKINNIS, KEEPER OF RECORDS/ENFORCEMENT, DEPARTMENT OF PROFESSIONAL REGULATION and the State of Illinois, do hereby certify this to be true and a correct copy of the CONSENT ORDER as it appears from the record and files in my office. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the DEPARTMENT OF PROFESSIONAL REGULATION OF THE STATE OF ILLINOIS.

DATE: MAY 11, 1995

Temple McKinnis

TEMPLE MCKINNIS
ADJUDICATIVE SERVICES/ENFORCEMENT

S E A L

EXHIBIT A.

320 West Washington
3rd Floor
Springfield, Illinois 62786
217/785-0800
TDD 217/524-6735

State of Illinois Center
100 West Randolph
Suite 9-300
Chicago, Illinois 60601
312/814-4500

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	No.: 93-8128-LEG
Anne Veselack, Respondent	)	
License No.: 041-217496	)	

CONSENT ORDER

The Department of Professional Regulation by Michael A. Palermo, Jr., one of its attorneys, and Anne Veselack, Respondent, agree to the following:

STIPULATIONS

Anne Veselack is licensed as a Registered Nurse in the State of Illinois, holding license No. 041-217496. At all times material to the matters set forth in this Consent Order, the Department of Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties to this Consent Order.

Information has come to the attention of the Department that Respondent plead guilty to and was convicted of attempt acquisition a controlled substance with a forged prescription, in July of 1993.

These allegations, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a Registered Nurse, on the authority of 225 ILCS 65/25 (b) (3, 7, 8, and 21).

As a result of these allegations, the Department held an Informal Disciplinary Conference at the offices of the Department, 100 West Randolph St., Suite 9-300, in Chicago, Illinois, on November 3, 1994. Respondent Anne Veselack appeared in person on that date, and was represented by James Bertucci, her attorney. Alice Enderlin appeared as a member of the Committee on Nursing of the State of Illinois, and Michael A. Palermo, Jr., appeared as an attorney for the Department.

Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Michael A. Palermo, Jr., its attorney, and Anne Veselack, Respondent, agree:

A. Respondent's license (No.: 041-217496) to practice as a Registered Nurse in the State of Illinois is placed on PROBATION for a period of 18 months.

B. During that period of probation, Respondent shall comply with the following terms:

1. Respondent shall submit to random monthly urine screens for the presence of controlled substances, as coordinated with the Probation Compliance Unit.

2. Respondent shall not ingest controlled substances except those therapeutically prescribed by a treating prescriber.

3. Respondent shall not test positive for controlled substances, other than those therapeutically prescribed by a treating prescriber whose patient records reflect that the treating prescriber knew of the terms of this Consent Order at the time of prescription.

4. Respondent shall provide a quarterly letter describing in detail her current employment or volunteer duties as a nurse.

C. All reports to be submitted to the Department pursuant to this Consent Order shall be sent to the Department of Professional Regulation, to Alan Cutler, Supervisor, Probation Compliance Unit, 100 West Randolph St., Suite 9-300, Chicago, IL 60601.

D. Any violation by Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a Registered Nurse in the State of Illinois. Furthermore, if Respondent successfully completes the terms of this Probation, the Probation shall end automatically and her license will be restored to Active status.

E. This Consent Order shall become effective ten days after signing and approval by the Director of the Department.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

11/28/94
DATE

Michael A. Palermo, Jr.
Attorney for the Department

11-10-94
DATE

Anne Veselack
Respondent

11-15-94
DATE

James Bertucci
Attorney for Respondent

11-21-94
DATE

Alice Enderlin
Member, Committee on Nursing

THIS CONSENT ORDER IS APPROVED IN FULL:

DATED THIS 30th DAY OF January, 1995.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

NIKKI M. ZOLLAR
DIRECTOR

Ref: License No.: 041-217496, Case No.: 93-8128

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

May 3, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST ANNE VESELACK, R.N., RESPONDENT.	: : : : :	AFFIDAVIT OF COSTS OF OFFICE OF BOARD LEGAL SERVICES (Case No. LS 9601262 NUR)

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the state of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.

3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

ADMINISTRATIVE LAW JUDGE EXPENSE
Donald R. Rittel

DATE	ACTIVITY	TIME SPENT
2/28/96	Preparing for and presiding over Hearing	0.50 hours
2/29/96	Reviewing Record; Preparing Proposed Decision	2.50 hours
	TOTAL TIME SPENT	3.00 hours

Total administrative law judge expense for Donald R. Rittel,
3.00 hours @ $ 43.958 per hour, salary and benefits: **$ 131.87**

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES **$ 131.87**

Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 4th day of March 1996.

RUBY JEFFERSON-MOORE

Notary Public, State of Wisconsin
My Commission is Permanent

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	AFFIDAVIT OF COSTS
ANNE VESELACK, RN, RESPONDENT.	:	95 NUR 053

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Steven M. Gloe, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

Date	Activity	Time Spent
June 7, 1995	Review file, prepare stipulation	1 hour 45 minutes
January 25, 1996	Draft Notice of Hearing and Complaint; Obtain Hearing Date	1 hour 00 minutes
February 20, 1996	Hearing preparation; attend Hearing	1 hour 15 minutes
TOTAL HOURS		4 Hours 00 Min.

Total attorney expense for 4 hours and 00 minutes at $41.00 per hour (based upon average salary and benefits for Division of Enforcement attorneys) equals: **$164.00**

INVESTIGATOR EXPENSE FOR CELINA COBS

Date	Activity	Time Spent
June 1, 1995	Review file, contact Board advisor	0 hour 30 minutes
June 5, 1996	Telephone contact, Board advisor	0 hour 15 minutes

June 7, 1996	Telephone contact, witness	0 hour 15 minutes
TOTAL HOURS		1 Hour 00 Min.

Total investigator expense for 1 hours and 00 minutes at $20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals: **$20.00**

TOTAL ASSESSABLE COSTS **$184.00**

Steven McGloe, Attorney

Subscribed and sworn to before me this
6th day of May, 1996

Notary Public

My Commission is permanent.

I \COSTS.DOC