

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

EVELYN SCHWANDT, L.P.N., :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 000158Z

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Evelyn Schwandt, LPN
4523 Bonnie Avenue, Route 10
Madison, WI 53704

Board of Nursing
P.O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Evelyn Schwandt as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Board of Nursing.

The parties in this matter agree 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.

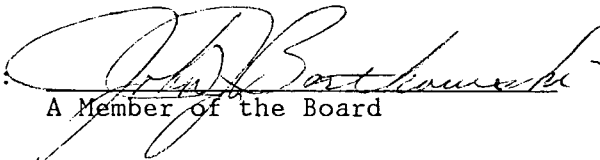
Therefore, it is hereby ORDERED:

The Board of Nursing accepts the voluntary surrender of the license to practice as a practical nurse of Evelyn Schwandt. Accordingly, the pending

disciplinary proceedings against Ms. Schwandt are DISMISSED. Ms. Schwandt may reapply for licensure at any time following February 24, 1986.

In conjunction with any reapplication by Ms. Schwandt, Ms. Schwandt shall provide the Board with a complete chemical dependency assessment through Dane County Mental Health (or other facility acceptable to the Board). This assessment shall reflect the assessor's examination of the Department of Regulation and Licensing Division of Enforcement investigative file materials (Case #84 NURSE 17), and a review of her current medical status. The Board may utilize this assessment in conjunction with the materials supporting the assessment to determine the terms and conditions, if any, for licensure granted to Ms. Schwandt.

BOARD OF NURSING

By: 
A Member of the Board

7/19/85
Date

SG:ma
100-148

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EVELYN SCHWANDT, L.P.N.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Evelyn Schwandt, personally and by her attorney, John Kasimatis, and Steven M. Gloe, attorney for the Department of Regulation & Licensing, Division of Enforcement, as follows that:

1. This stipulation shall be presented to the Board of Nursing to form the basis of the attached Final Decision and Order in resolution of this matter.

2. Ms. Schwandt understands that by the signing of the 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 clear, satisfactory and convincing 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 Ms. Schwandt under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Schwandt agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. 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.

5. If the Board accepts the terms of this stipulation, 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.

6. Attached to this stipulation is the current licensure card of Ms. Schwandt. If the Board accepts the stipulation, her license shall be retained by the Bureau of Nursing in accordance with the terms of the attached Final Decision and Order. If the Board does not accept the

stipulation, the license of Ms. Schwandt shall be returned to her with a notice of the Board's decision not to accept the stipulation.

7. The Division of Enforcement joins Ms. Schwandt in recommending the Board of Nursing adopt the stipulation and issue the attached Final Decision and Order.

7-1-85
Date

Evelyn Schwandt
Evelyn Schwandt

7-1-85
Date

John Kasimatis
John Kasimatis
Attorney for Ms. Schwandt

7.3.85
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

SMG:kcb
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