

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 THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JOHN MICHAEL PAPADAKIS, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER

ORDER 0001828

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

John Michael Papadakis, R.N.
35-30 81st St., #2M
Jackson Heights, NY 11372
-and-

c/o Katherine Papadakis
110 Standish Circle
North Fort Myers, FL 33903

Board of Nursing
1400 E. Washington Ave., Room 174
P.O. Box 8936
Madison, WI 53708-8936

Department of Regulation & Licensing
Division of Enforcement
1400 E. Washington Ave., Room 183
P.O. Box 8936
Madison, WI 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 party to be named as respondent in the petition is John Michael Papadakis, R.N.

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.

A hearing was held in the above-captioned matter on December 7, 1984 at 1400 E. Washington Ave., Madison, Wisconsin. The complainant appeared by Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement. The respondent, John Michael Papadakis, was not present nor was anyone present to represent him. On December 26, 1985 the hearing examiner filed his Proposed Decision in the matter.

Based upon the record and upon the Proposed Decision, the Board of Nursing makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. John Michael Papadakis, R.N., L.P.N. (respondent), is duly licensed in the State of Wisconsin as a registered nurse (license #84923, issued August 12, 1983) and as a licensed practical nurse (license #20204, issued May 31, 1978).

2. Respondent's last address on file with the Board of Nursing is 35-30 81st St., #2M, Jackson Heights, NY 11372. The Division of Enforcement has also received information that respondent's correct mailing address is % Katherine Papadakis, 110 Standish Circle, North Fort Myers, FL 33903.

3. Service of the Notice of Hearing and Complaint in this matter was made by certified mail directed to the addresses set forth above in paragraph 2. Respondent did not file an Answer to the Complaint nor did he appear at the hearing held on December 7, 1984.

4. At all times relevant to this Complaint, respondent was licensed and working as a registered nurse in the State of New York.

5. By an order of the New York State Department of Health dated July 30, 1984, respondent admitted to violations of the New York public health law for the following conduct:

- a. During the period of July 10, 1983 through July 12, 1983, the respondent signed hospital controlled substance administration records as having administered 18 percocet tablets to patients for whom there was no valid physician's order.
- b. During the period of July 10, 1983 through July 12, 1983, the respondent obtained 18 percocet tablets by signing hospital controlled substance administration records as having administered them to patients who did not in fact receive them.
- c. During the period of July 10, 1983 through July 12, 1983, the respondent falsely signed hospital controlled substance administration on 9 occasion records as having administered percocet tablets to patients for whom there was no valid physician's order for the substances. Eight of the alleged administrations were not recorded on the patient medication chart.

The respondent was required to pay a \$1,000.00 civil penalty to the New York Department of Health by this Order.

6. On June 5, 1984, the respondent was admitted to the chemical dependency unit at the Charter Glade Hospital in Fort Myers, Florida.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.

2. Respondent did not file an Answer to the Complaint as required by Wis. Adm. Code sec. RL 2.09, nor appear at the hearing, and is therefore in default pursuant to Wis. Adm. Code sec. RL 2.14.

3. Respondent's conduct as described in Findings of Fact, constitutes grounds for disciplinary action pursuant to Wis. Stats. secs. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(3)(a), (b) and (c), and N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the licenses of John Michael Papadakis to practice as a registered nurse and as a licensed practical nurse in the State of Wisconsin be, and hereby are, revoked, effective ten (10) days following the date hereof.

Explanation of Variance

The complaint in this matter set forth respondent's licensure as a registered nurse in the State of Wisconsin but failed to set forth respondent's licensure as a licensed practical nurse. Consequently, the hearing examiner's Proposed Decision failed to set forth as a Finding of Fact such licensure and also failed to take the LPN license into account in the recommended Order.

Based upon the foregoing, the Board of Nursing has adopted the hearing examiner's Proposed Decision in its entirety with the exception of Finding of Fact #1 and the proposed Order. Finding of Fact #1 has been amended to include the finding that respondent is licensed as an LPN. The proposed Order has been amended to include revocation of respondent's LPN license as well as his license as a registered nurse.

Dated at Madison, Wisconsin this 19 day of March, 1985.

STATE OF WISCONSIN
BOARD OF NURSING

by 
John Bartkowski, Chairman

JB:WRA:rjt

2585

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	NOTICE OF FILING
JOHN MICHAEL PAPADAKIS, R.N.,	:	PROPOSED DECISION
RESPONDENT	:	

To: John Michael Papadakis, R.N.
35-30 81st Street, #2M
Jackson Heights, New York 11372

- and -

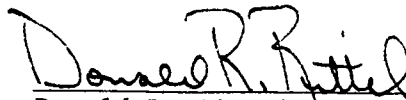
c/o Katherine Papadakis
110 Standish Circle
North Fort Meyers, Florida 33903

Steven M. Gloe
Attorney at Law
Department of Regulation and Licensing
Division of Enforcement
P. O. Box 8936
Madison, Wisconsin 53708

PLEASE TAKE NOTICE that a Proposed Decision in the above-captioned matter has been filed with the Board of Nursing by the Hearing Examiner, Donald R. Rittel. A copy of the Proposed Decision is attached hereto.

If you are adversely affected by, and have objections to, the Proposed Decision, you may file your objections, briefly stating the reasons and authorities for each objection, and argue with respect to those objections in writing. Your objections and argument must be submitted and received at the office of the Board of Nursing, Room 174, Department of Regulation and Licensing, 1400 East Washington Avenue, P. O. Box 8936, Madison, Wisconsin 53708, on or before January 7, 1985.

Dated at Madison, Wisconsin, this 26th day of December, 1984.



Donald R. Rittel
Hearing Examiner

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

JOHN MICHAEL PAPADAKIS, R.N., :
RESPONDENT. :

PROPOSED DECISION

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

John Michael Papadakis, R.N.
35-30 81st Street, #2M
Jackson Heights, NY 11372

- and -

c/o Katherine Papadakis
110 Standish Circle
North Fort Meyers, FL 33903

Board of Nursing
1400 East Washington Avenue, Room 174
P.O. Box 8936
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8936
Madison, WI 53708

A hearing was held in the above-captioned matter on December 7, 1984 at 1400 East Washington Avenue, Madison, Wisconsin. The complainant appeared by Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement. The respondent, John Michael Papadakis, was not present nor was anyone present to represent him.

Based upon the record, the examiner recommends that the Board of Nursing adopt as its final decision the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. John Michael Papadakis, R.N. (hereinafter referred to as respondent) is duly licensed in the State of Wisconsin as a registered nurse license #84923. This license was issued on August 12, 1983.

2. Respondent's last address on file with the Board of Nursing is 35-30 81st Street, #2M, Jackson Heights, New York 11372. The Division of

Enforcement has also received information that respondent's correct mailing address is %Katherine Papadakis, 110 Standish Circle, North Fort Meyers, Florida 33903.

3. Service of the Notice of Hearing and Complaint in this matter was made by certified mail directed to the addresses set forth above in paragraph 2. Respondent did not file an Answer to the Complaint nor did he appear at the hearing held on December 7, 1984.

4. At all times relevant to this Complaint, respondent was licensed and working as a registered nurse in the State of New York.

5. By an order of the New York State Department of Health dated July 30, 1984, respondent admitted to violations of the New York public health law for the following conduct:

- a. During the period of July 10, 1983 through July 12, 1983, the respondent signed hospital controlled substance administration records as having administered 18 percocet tablets to patients for whom there was no valid physician's order.
- b. During the period of July 10, 1983 through July 12, 1983, the respondent obtained 18 percocet tablets by signing hospital controlled substance administration records as having administered them to patients who did not in fact receive them.
- c. During the period of July 10, 1983 through July 12, 1983, the respondent falsely signed hospital controlled substance administration on 9 occasion records as having administered percocet tablets to patients for whom there was no valid physician's order for the substances. Eight of the alleged administrations were not recorded on the patient medication chart.

The respondent was required to pay a \$1,000.00 civil penalty to the New York Department of Health by this Order.

6. On June 5, 1984, the respondent was admitted to the chemical dependency unit at the Charter Glade Hospital in Fort Meyers, Florida.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07.

2. Respondent did not file an Answer to the Complaint as required by Wis. Adm. Code sec. RL 2.09, nor appear at the hearing, and is therefore in default pursuant to Wis. Adm. Code sec. RL 2.14.

3. Respondent's conduct as described in the Findings of Fact, constitutes grounds for disciplinary action pursuant to Wis. Stats. secs. 441.07(1)(c) and (d), and Wis. Adm. Code secs. N 11.03(3)(a), (b) and (c), and N 11.04(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of John Michael Papadakis to practice as a registered nurse (#84923) in the State of Wisconsin, shall be, and hereby is, revoked; effective ten (10) days following the date of the final decision and order of the Board of Nursing.

OPINION

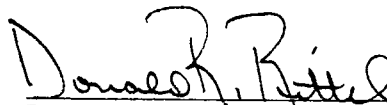
The respondent, John Michael Papadakis, was disciplined in the State of New York for violations of its health law, as more specifically described in paragraph 5 of the Findings of Fact. A disciplinary proceeding was commenced before this Board and the respondent failed to file an Answer to the Complaint or to appear at the hearing held. At the hearing, complainant's attorney presented evidence establishing the truth of the allegations contained within the Complaint. Accordingly, the only issue in this case is the appropriate discipline, if any, to be imposed. Papadakis' conduct in the State of New York was serious. His failure to respond to the Complaint or appear at the hearing results in the lack of any mitigating circumstances in the record which might have been brought out by him. Thus, it must be assumed there are none. Since Papadakis failed to explain his conduct, or the circumstances surrounding it, the Board should take strong action in this case in order to assure that the public is protected. The complainant's attorney recommended that respondent's license be revoked. Wis. Stats. sec. 441.07(2), provides as follows:

A certificate or license revoked may, after one year, upon application be reinstated by the board.

The examiner recommends that respondent's license be revoked. Such action will serve to prohibit respondent from practicing as a registered nurse in this state for a period of at least one year. Thereafter, he may apply for reinstatement, at which time the Board can assess his current fitness and ability to practice in the best of interests of the public.

Dated at Madison, Wisconsin this 26th day of December, 1984.

Respectfully submitted,



Donald R. Rittel, Hearing Examiner

DRR:kr
2240