

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEBORAH YON KOENIG, R.N.,
RESPONDENT.

FINAL DECISION
AND ORDER

ORDER 0001754

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

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing. Let a copy of this order be served on the respondent by certified mail.

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 Deborah Yon Koenig, 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.

Dated this 18 day of July, 1986.

Suzanne M. Schuler

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: PROPOSED DECISION
DEBORAH YON KOENIG, R.N., :
RESPONDENT. :

The parties to this proceeding for the purpose of Wis. Stats.
sec. 227.53 are:

Doborah Yon Koenig
18674 Old Jefferson Highway
Baton Rouge, LA 79817

-and-

209 Dwight Street
Boscobel, WI 53805

-and-

Centennial Apartments
Boscobel, WI 53805

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

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. The complainant appeared by Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement. The respondent, Deborah Yon Koenig, R.N., did not appear nor did anyone appear upon her behalf.

Based upon the record herein, the examiner recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Deborah Yon Koenig, R.N., herein after referred to as "respondent", is duly licensed in the State of Wisconsin as a registered nurse. Her license was issued on August 5, 1977 and bears number 67724. Respondent allowed her license to lapse on January 1, 1980 and has not renewed her registration since that date.

2. Respondent was in addition duly licensed as a registered nurse in the State of Florida (license #1156862) at all times relevant to the proceeding herein.

3. On June 29, 1983, Respondent's license to practice as a registered nurse in Florida was placed on probationary status pursuant to disciplinary action against her Florida license. The disciplinary action was based upon respondent's fraudulently obtaining a prescription for controlled substances with the intent of reselling the drugs so obtained. Copies of the "ADMINISTRATIVE COMPLAINT" and "ORDER" in that disciplinary proceeding are attached hereto.

4. By order dated August 29, 1985, the Florida Board of Nursing revoked respondent's license to practice as a registered nurse based upon her failure to comply with the terms of the probation imposed pursuant to its June 29, 1983 order. Copies of the "ADMINISTRATIVE COMPLAINT" and "ORDER" in that disciplinary proceeding are attached hereto.

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 a written Answer to the Complaint in this proceeding, nor did she appear at the evidentiary hearing. Accordingly, respondent is in default pursuant to Wis. Stats. sec. RL 2.14.

3. Respondent's conduct as described within the Findings of Fact constitutes grounds for disciplinary action against her license to practice as a registered nurse in the State of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(d), and Wis. Adm. Code secs. N 7.04(1), (2) and (7).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Deborah Yon Koenig to practice as a registered nurse in the State of Wisconsin shall be, and hereby is, revoked.

OPINION

The respondent, Deborah Yon Koenig, failed to file a written Answer to the Complaint in this proceeding, and further failed to attend the evidentiary hearing held. Complainant's attorney presented evidence at the hearing establishing the truth of the material facts contained within the Complaint. Accordingly, the Findings of Fact are based upon the evidence received.

The only issue in this case is the appropriate discipline, if any, to be levied by the Wisconsin Board of Nursing in light of the disciplinary action taken against her nursing license in the State of Florida.

The Florida documents, which are attached hereto, indicate that in 1982 the respondent attempted to obtain a controlled substance by virtue of a fraudulently procured prescription. She further intended to sell the controlled substance upon receipt. Based upon this conduct, the Florida

board placed respondent upon probation, subject to numerous conditions, in 1983. Subsequently, respondent failed to file the quarterly employer and counselor reports required as a condition of probation, leading the Florida board to revoke her license to practice professional nursing in 1985.

Under the circumstances, in my opinion, the protection of the public requires that respondent's license to practice as a registered nurse in the State of Wisconsin be revoked. In order for the board to assess the circumstances under which respondent may be permitted to return to the practice in the future, it is necessary that the board be permitted to consider her fitness to practice nursing in the best interests of the public. The evidentiary hearing did not provide the board an adequate opportunity to do so in light of respondent's failure to attend. Accordingly, it is recommended that Ms. Koenig's license be revoked, which will provide the board an opportunity to assess her fitness to practice nursing should she apply for reinstatement in the future. See, Wis. Stats., sec. 441.07(2).

Dated at Madison, Wisconsin this 26th day of June, 1986.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

DRR:cld
016-226

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0027945

DEBORAH YON KOENIG,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint against Deborah Yon Koenig, hereinafter referred to as "Respondent," and alleges:

1. Petitioner seeks to revoke, suspend or take other disciplinary action against Respondent as licensee and against her license as a registered nurse.

2. Respondent is a registered nurse having been issued license number 1156862.

3. Respondent's last known address is 4859 Abelia Drive, Baton Rouge, Louisiana 70808.

4. At all times material to this complaint, Respondent was employed as a nurse at Sebastian River Medical Center, Sebastian, Florida.

5. During September of 1982, Respondent fraudulently obtained a prescription for a controlled substance, Percocet or Percodan, written for patient Mary White and presented it to be filled at Super X Drugs, Palm Bay, Florida. Respondent intended to sell the drugs thus illegally obtained.

6. Based upon the foregoing, Respondent is in violation of Section 464.018(1)(f), Florida Statutes (1981), by unprofessional conduct which departed from or failed to conform to the minimal standards of acceptable and prevailing nursing practice; Section 464.018(1)(g), Florida Statutes (1981), by engaging or attempting to engage in the possession of a controlled substance as set forth in Chapter 893, Florida Statutes, for any other than legitimate purposes.

SIGNED this 23 day of March, 1983.

Fred Roche
FRED ROCHE, Secretary
Department of Professional Regulation

COUNSEL FOR DEPARTMENT:

Julia P. Forrester
Staff Attorney
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 483-0062

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
CLERK Melinda K. Hood
DATE March 29 1983

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 27945

DEBORAH YON KOENIG,

Respondent.

ORDER

Respondent, Deborah Yon Koenig, holds Florida License No. 1156862 as a registered nurse. Petitioner has filed an Administrative Complaint seeking suspension, revocation, or other disciplinary action against the license; the Complaint is attached to and made a part of this Order.

The licensee, as Respondent, has admitted the factual allegations of the Administrative Complaint, but has requested an informal hearing pursuant to §120.57(2), F.S.

This cause came before the Board of Nursing on June 9, 1983, in Jacksonville, Florida for final agency action. The licensee was present.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its findings of fact paragraphs 2 through 5 of the Administrative Complaint.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board concludes that the licensee has violated §464.018(1)(f) and (g), F.S.

The Board is empowered by §464.018(2) to impose a penalty against the licensee. Therefore it is ORDERED that

The licensee shall pay a fine of \$250.00 within sixty (60) days.

The licensee is hereby placed on PROBATION for three (3) years, subject to the following terms and conditions:

The licensee shall not violate any Federal or State law, nor any rule or order of the Board of Nursing.

The licensee shall submit to random blood and/or urine tests, and cause results of the analysis to be furnished to the Board if collected by an agent other than an authorized representative of the Department. It shall be the responsibility of the licensee to provide any information pertinent to his or her current usage of prescribed or over-the-counter medication at the time the sample is collected.

The licensee shall obtain/continue counseling with a psychiatrist, psychologist or other recognized drug/alcohol rehabilitation program, and shall cause progress reports to be furnished to the Board every three months while treatment is continued as scheduled by the probation supervisor.

During the probation the licensee shall report any change in residence address, any change in employer or place of employment, or any time he or she is arrested. These events will be reported immediately (and in any event within ten working days) by certified mail to the Board of Nursing, Probation Section, 111 Coastline Drive East, Suite 504, Jacksonville, Florida 32202.

While employed as a nurse, the licensee shall be responsible for causing reports to be furnished by his or her employer to the Board; these reports shall set out the licensee's current

position, work assignment, level of performance, and any problems. The reports shall be submitted every three months as scheduled by the probation supervisor.

Any deviation from the requirements of this probation without the prior written consent of the Board shall constitute a violation of this probation.

Upon a finding of probable cause that a violation of this probation has occurred, the licensee's license to practice nursing shall be subject to immediate and automatic suspension pending the licensee's appearance before the next Board meeting (or such other meeting as mutually agreed by the licensee and the Department). The licensee will be given notice of the hearing and an opportunity to defend.

The probationary period shall automatically terminate at the end of the prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by Order of the Board upon proper petition of the licensee, supported by evidence of compliance with this Order

DONE and ORDERED in Jacksonville, Florida this 29th day of June, 1983.

Sandra S. Bauman, R.N.
Sandra S. Bauman, Chairman
Florida Board of Nursing

cc: Deborah Yon Koenig
1069 Rittiner Drive
Baton Rouge, Louisiana 70806

Charest Thibaut, III, Esquire
P.O. Box 36
Baton Rouge, Louisiana 70821

Michael Korn, Esquire
Suite 3030, Independent Life Building
Jacksonville, Florida 32202

FILED

JUN 29 1983

FLORIDA STATE
BOARD OF NURSING

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0054165

DEBORAH C.Y. KOENIG,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, the Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Nursing, against Deborah Yon Koenig, hereinafter referred to as "Respondent", and alleges:

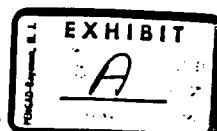
1. Petitioner is the state agency charged with regulating the practice of nursing in the State of Florida pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 464, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed registered nurse in the State of Florida, having been issued license number 1156862. Respondent's last known address is 18674 Old Jefferson Highway, Baton Rouge, Louisiana 79817.

3. By Order of the Florida Board of Nursing dated June 29, 1983, Respondent's license to practice nursing was placed on probation for a period of three (3) years. As a term of Respondent's probation she was required to make quarterly employer and counselor reports.

4. Respondent has failed to supply employer and counselor reports as required by her Order of probation.

5. Based upon the foregoing, Respondent is in violation of Section 464.018(1)(j), Florida Statutes (1983), which prohibits willfully or repeated violating a lawful Order of the Board of Nursing previously entered in a disciplinary proceeding.



WHEREFORE, Petitioner respectfully requests the Board of Nursing to enter an Order imposing one or more of the following penalties: revocation or suspension of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, and/or any other relief that the Board deems appropriate.

4/10/85

Fred Roche
FRED ROCHE, Secretary

COUNSEL FOR DEPARTMENT:

Julia P. Forrester
Staff Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904)488-0062

JPF/ch
3/8/85

PCP: Gabbert/Malasanos

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
Melinda H Wagner
CLERK
DATE April 11, 1985

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0054165

DEBORAH C. KOENIG,

Respondent.

ORDER

Respondent Deborah C. Koenig holds Florida License No. 1156862 as a registered nurse. Petitioner has filed an Administrative Complaint seeking suspension, revocation, or other disciplinary action against the license; the Complaint is attached to and made a part of this Order.

Service of the Administrative Complaint was made upon the Respondent by certified mail. Respondent has not filed an Election of Rights and is in default.

This cause came before the Board of Nursing on July 25, 1985, in Orlando, Florida for final agency action.

FINDINGS OF FACT

As the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds that it adequately supports the allegations. Therefore, the Board adopts paragraphs 2, 3 and 4 of the Administrative Complaint as its Findings of Fact.

CONCLUSIONS OF LAW

The foregoing facts constitute a violation of Section 464.018(1)(j), Florida Statutes, for which the Board may impose discipline pursuant to Section 464.018(2), Florida Statutes.

Therefore it is ORDERED that:

The license of Deborah C. Koenig is hereby REVOKED. No sooner than one year from the date of this order the licensee may petition for reinstatement at which time the burden will be on the licensee to demonstrate, to the satisfaction of the Board, the present ability to safely engage in the practice of nursing.

Within (30) thirty days the licensee shall return her license to the Board office, 504 Daniel Building, 111 Coastline Drive East, Jacksonville, Florida 32201 or shall surrender the license to an investigator of the Department of Professional Regulation.

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this final order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this order is filed.

This Order shall become effective upon filing with the clerk of the Department of Professional Regulation.

DONE and ORDERED this 29 day of August, 1985.

Sandra S. Bauman R.N.
Sandra S. Bauman, Chairman
Florida Board of Nursing

JKE

FILED

AUG 29 1985

FLORIDA STATE
BOARD OF NURSING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been sent to Deborah C. Koenig at 18674 Old Jefferson Highway, Baton Rouge, LA 70817, by United States mail, on or before 5:00 p.m., this 29 day of August, 1985.

Judie K. Ritter
Judie Ritter
Executive Director