

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

MICHAEL VAN DENZEN, L.P.N.,
RESPONDENT.

FINAL DECISION
AND ORDER
(86 NUR 135)

ORDER 0001660

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Michael Van Denzen, L.P.N.
E1894 Patricia Street
Waupaca, WI 54981

Board of Nursing
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

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 and makes the following:

FINDINGS OF FACT

1. That Michael Van Denzen, hereinafter the Respondent, was at all times relevant to this action duly licensed as a licensed practical nurse in the State of Wisconsin.
2. That the Respondent's license is #25149 and this license was issued on June 3, 1982.
3. That the Respondent's current address is E1894 Patricia Street, Waupaca, WI, 54981.
4. That on November 1, 1986, the Respondent was employed as a licensed practical nurse at the Wisconsin Veteran's Home located at King, Wisconsin.
5. That on said date, a patient at the facility, hereinafter Patient A, requested that the Respondent provide Patient A with a urinal.
6. That the Respondent provided Patient A with a urinal.
7. That Patient A encountered problems in using the urinal and, as a result, Patient A's bed sheet became wet.

8. That after the bed sheet became wet. Patient A became agitated and blamed the Respondent for the problems with the urinal.

9. That the wet bed sheet needed to be changed so the Respondent began the process of changing the sheet by turning Patient A on Patient A's side.

10. That upon being turned, Patient A complained of pain and started to curse and swing at the Respondent. Patient A has the use of one arm and one leg, but not the use of the other arm and leg.

11. That the Respondent reached across Patient A's chest and the Respondent placed the palm of his left hand on Patient A's shoulder area to prevent Patient A from injuring the Respondent.

12. That Patient A yelled at the Respondent and Patient A told the Respondent to go ahead and hit him.

13. That the Respondent said to Patient A, "If I ever hit you, it would be three weeks of Sundays to find your head again".

14. That the Respondent did not intend the statement as a threat, but made the statement to vent frustration.

15. That with the assistance of an aide, the Respondent completed changing the wet bed sheet and left Patient A's the room.

CONCLUSIONS OF LAW

1. That by making the statement in Findings of Fact 13 to a patient, the Respondent has verbally abused a patient contrary to Wisconsin Administrative Code section N 7.04(4).

2. That the Board of Nursing has jurisdiction pursuant to Chapter 441, Wis. Stats., to take disciplinary action against the Respondent.

Therefore, it is hereby ORDERED:

1. That the Respondent is reprimanded.

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

By: Jacqueline Johnson RN
A Member of the Board

Date 9/7/90

MJB:eaj
ATY-1000

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL VAN DENZEN, L.P.N.,
RESPONDENT.

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STIPULATION
(86 NUR 135)

It is hereby stipulated between the parties as follows:

1. That this Stipulation is entered into as a result of a pending investigation by the Division of Enforcement, 86 NUR 135. Van Denzen consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. That Van Denzen understands by the signing of this Stipulation, he voluntarily and knowingly waives his rights in this matter.

3. That Van Denzen neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

4. That if the terms of this Stipulation are not acceptable to the Board, then 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. That if the Board accepts the terms of this Stipulation, then the parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

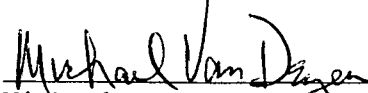
6. That the Division of Enforcement joins Van Denzen in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

7. That the attorney for the Complainant and the Board Advisor may address the Board in either open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in favor of this agreement or answering any questions the Board may have.

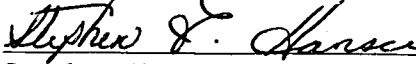
7/5/90
Date


Michael J. Berndt
Attorney for Complainant

7-17-90
Date


Michael Van Denzen, L.P.N.

7-17-90
Date


Stephen F. Hansen
Attorney for Respondent

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)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is September 11, 1990.

WLD:dms
886-490