

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JULIANNE MARIE MONAGHAN, L.P.N.
RESPONDENT.

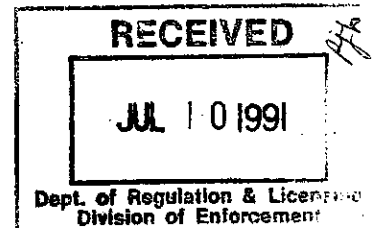
FINAL DECISION AND ORDER
89 NUR 102

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

Julianne Marie Monaghan, L.P.N.
Jerald R. Johnson, Esq.
1225 Tower Ave
Superior, WI 54880

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935



The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Julianne Marie Monaghan (D.O.B. 7/09/58) is duly licensed in the State of Wisconsin as a licensed practical nurse (license # 28933), having been so licensed since January 30, 1987.
2. Ms. Monaghan's latest address on file with the Department of Regulation and Licensing is 1525 Clough Avenue, Superior, WI 54166.
3. Ms. Monaghan suffers from a mental illness that has in the past adversely affected her fitness to practice as a practical nurse.
4. Ms. Monaghan is currently receiving treatment in the form of counseling and medication to control the symptoms of her illness.
5. Ms. Monaghan has returned to work with approval her health care providers and currently working in a nursing home in the State of Minnesota, where she is also licensed.

6. Ms. Monaghan has submitted evidence to the Minnesota licensing authorities, who had taken action against her, to show her fitness to practice.

7. Since Ms. Monaghan does not have a present intent to practice in the State of Wisconsin, she does not wish at this time to submit to any monitoring the Board might impose. Ms. Monaghan specifically agrees to a restriction on her right to actively practice in the State of Wisconsin until she has demonstrated to the satisfaction of the Board that she is fit to practice.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to sec. 441.07, Wis. Stats.

2. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. By the conduct described above, Julianne Marie Monaghan is subject to disciplinary action against her license to practice as a licensed practical nurse pursuant to sec. 441.07(1)(c), by acts that show she is unfit or incompetent to practice as a licensed practical nurse by reason of mental incompetence, as defined by sec. N7.03(3), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Respondent Julianne Marie Monaghan practice as a licensed practical nurse in the State of Wisconsin is limited as follows:

a. Respondent will not practice as a licensed practical nurse in the State of Wisconsin.

b. Respondent may petition the Board to remove this practice restriction by showing to the satisfaction of the Board that she is fit to safely and competently practice as a licensed practical nurse in the State of Wisconsin. Such a showing may include reports from her health care providers, evaluations from her employers, and the results of any monitoring or testing.

c. In addition to the unconditional removal of the practice restriction, the Board may remove this restriction and impose other conditions and limitations to monitor the Respondent's practice.

IT IS FURTHER ORDERED, that investigative file # 89 NUR 102 be closed.

BOARD OF NURSING

By: Jacqueline Johnson RN
A Member of the Board

Date 6/28/91

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIANNE MARIE MONAGHAN, L.P.N.
RESPONDENT.

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STIPULATION
89 NUR 102

It is hereby stipulated between Julianne Marie Monaghan, personally on her own behalf and the Department of Regulation and Licensing, Division of Enforcement by its attorney Richard Castelnuovo, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Julianne Marie Monaghan ("Respondent") by the Division of Enforcement (89 NUR 102). Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Respondent is aware and understands her rights with respect to disciplinary proceedings, including the right to a statement of the allegations against her; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel attendance of witnesses 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of her right to seek legal representation and has secured legal advice prior to execution of this Stipulation.

5. Respondent represents that she does not have a present intent to practice as a license practical nurse in the State of Wisconsin and agrees that she will not practice as a license practical nurse in the State of Wisconsin prior to the Board's consideration of this Stipulation, and because she does not wish at this time to submit to any monitoring the Board might impose, she specifically agrees that the Board may restrict her practice in the State of Wisconsin until she has demonstrated to the Board's satisfaction that she is fit to practice.

6. With respect to the attached Final Decision and Order, Respondent neither admits nor denies any allegation of wrongdoing, but agrees solely for the purpose of resolving this matter and avoiding further proceedings that the Board may make the findings set forth in the Findings of Fact, reach the conclusions set forth in the Conclusions of Law and enter the Order limiting Respondent's practice in the State of Wisconsin consistent with her agreement.

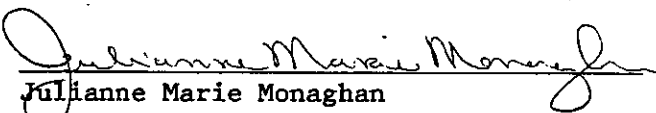
7. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

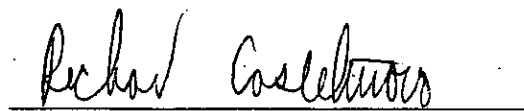
9. Attached to this Stipulation is Respondent's current licensure card. If the Board accepts this Stipulation, a new license shall be issued to Respondent consistent with the Board's Order. If the Board does not accept this Stipulation, Respondent's license shall be returned to her with notice of the Board's decision.

10. Respondent agrees that complainant's attorney, Richard M. Castelnovo, may appear at any deliberative meeting of the Board with respect to this Stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

11. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Julianne Marie Monaghan
Respondent

5/2/91
Date


Richard M. Castelnovo, Attorney
Division of Enforcement

5/10/91
Date

