

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LAURA J. VON HOFFEN, R.N.,
RESPONDENT

:
:
:
:
:

FINAL DECISION AND ORDER

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

Laura J. Von Hoffen
23511 126th Street
Trevor, WI 53719

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. Laura J. Von Hoffen, R.N. (D.O.B. 10/31/57) is duly licensed as a registered nurse in the state of Wisconsin (license # 104243). This license was first granted on April 25, 1990.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 23511 126th Street, Trevor, WI 53719.

3. On or about February 18, 1990, respondent submitted an application for licensure to the State of Wisconsin Board of Nursing. A true and correct copy of this application is attached to and incorporated by reference in this Complaint as Exhibit A.

4. In response to Question #15 on Exhibit A, "Have you ever been convicted of a crime (misdemeanor or felony) or are you subject to a pending

criminal complaint?" respondent marked "No" for her answer.

5. At the time respondent submitted her application for Wisconsin licensure, she had the following conviction record: a) a 1982 conviction for driving under the influence; b) a 1983 conviction for driving under the influence; c) a 1984 conviction for driving under the influence and d) larceny conviction entered in the late 1970's.

6. On or about May 17, 1990, respondent was convicted in the state of Illinois of unlawful acquisition of a controlled substance. Respondent was placed on probation and ordered, among other things, to attend and complete the Illinois Impaired Nurse Program.

7. On or about February 20, 1991, The Illinois Department of Professional Regulation took disciplinary action against the Illinois license of Ms. Von Hoffen to practice nursing in that state.

8. Ms. Von Hoffen failed to comply with the terms of the February 20, 1991 Illinois Order.

9. On or about April 12, 1991, Respondent was convicted in Wisconsin for driving under the influence.

10. On or about April 29, 1991 respondent's probation was revoked and respondent was ordered to serve four months in the Illinois Lake County Jail.

CONCLUSIONS OF LAW

By the conduct described above, Laura J. Von Hoffen is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03 and 7.04.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Ms. Von Hoffen to practice as a nurse in the state of Wisconsin shall be SUSPENDED for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that

(a) Ms. Von Hoffen may petition the Board at any time following one (1) year after the effective date of this order for a stay of the suspension of her licensure. The petition should include documentation of: 1) continuous abstinence from the consumption of alcohol and controlled substances by Ms. Von Hoffen for a period of at least ninety (90) days prior to submission of the petition; and 2) resolution of any criminal charges pending against Ms. Von Hoffen. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3)

and 227.42.

Upon its determination that Laura J. Von Hoffen can safely and competently return to the active practice of nursing, the Board may stay the suspension for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. Laura J. Von Hoffen may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Ms. Von Hoffen's practice during the prior three (3) month period.

ii. If the Board denies the petition by Ms. Von Hoffen for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

iii. Upon a showing by Ms. Von Hoffen of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (b), below, Ms. Von Hoffen may petition for return of full licensure. The Board may, in its discretion, require that Ms. Von Hoffen complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

(b) CONDITIONS OF STAY

i. Ms. Von Hoffen shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Ms. Von Hoffen must attend therapy on a schedule as recommended by her therapist; the Board may, however, in its discretion establish a minimum number of therapy sessions per month. In addition, Ms. Von Hoffen must attend Alcoholics or Narcotics Anonymous on a schedule as recommended by her treatment provider.

ii. Upon request of the Board, Ms. Von Hoffen shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

iii. Ms. Von Hoffen shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Von Hoffen must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency to be established by the Board in conjunction with the granting of a petition for a stay of suspension. If the physician or therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Von Hoffen shall submit to such additional

screens.

Ms. Von Hoffen shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for evaluation. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the nursing Examining Board upon such failures to participate as: if Ms. Von Hoffen fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Von Hoffen refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Von Hoffen understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Von Hoffen's license, it shall be presumed that all confirmed positive reports are valid. Ms. Von Hoffen shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Ms. Von Hoffen shall provide her employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment. In addition, Ms. Von Hoffen shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

vi. Ms. Von Hoffen shall arrange for quarterly reports to the nursing Examining Board from her employer evaluating her work performance; from the monitoring facility providing the dates and results of the screenings performed; and from her counselor evaluating Ms. Von Hoffen's attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

vii. Ms. Von Hoffen shall refrain from access to or the administration of controlled substances in her work setting until such time as access or administration is approved by the Board.

viii. Ms. Von Hoffen shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Ms. Von Hoffen may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(d) Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Von Hoffen's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

(e) This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Reginald Johnson RN MS
A Member of the Board

Date

5/1/92

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708
(608) 266-8957

WISHREG / LICNSG

9022#

BOARD OF NURSING

APPLICATION FOR NURSE LICENSURE BY ENDORSEMENT

RCPRCL

50.00

1831244401022690

APR 17 1990

CHECK ONE

TYPE OR PRINT IN INK ☒ REGISTERED NURSE ☐ LICENSED PRACTICAL NURSE

1. NAME (as you wish it to appear on license) Laura S. Von Hoffman 2. DATE OF BIRTH (mo/day/yr) 10-31-57
3. OTHER NAME(S) YOU HAVE BEEN KNOWN BY (including maiden name) 4. SS# (voluntary)

5. PRESENT ADDRESS (number, street, city, state, zip code)

6. ADDRESS TO WHICH LICENSE IS TO BE SENT (number, street, city, state, zip code and effective date)

7. SCHOOL OF NURSING AND LOCATION (city & state) DATE OF DEGREE/DIPLOMA

8. STATE OF ORIG. LICENSURE DATE OF ORIG. LICENSURE ORIG. LICENSE NUMBER

9. HAVE YOU APPLIED FOR LICENSURE IN WISCONSIN PRIOR TO THIS APPLICATION?

YES ☐ NO ☒ If yes, give place and date of employment:

WISHREG / LICNSG
7026#

10. ARE YOU A NURSE ANESTHETIST?

YES ☐ NO ☒

PERMIT 10.00
1831244401022690

11. HAVE YOU TAKEN THE STATE BOARD TEST POOL EXAMINATION OR THE NATIONAL COUNCIL LICENSURE EXAMINATION (NCLEX)?

YES ☒ NO ☐ If yes, in which state and date:

ILL. Summer of 88

12. DO YOU ANTICIPATE TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION (NCLEX) IN ANOTHER STATE?

YES ☐ NO ☒ If yes, in which state and date:

13. HAS ANY STATE BOARD OF NURSING REVOKED, LIMITED, CANCELLED OR TAKEN OTHER DISCIPLINARY ACTION AGAINST YOU OR DENIED YOU A LICENSE?

YES ☐ NO ☒ If yes, explain on separate sheet - include state date, and type of action

(OVER)

#772 (Rev. 8/89)

Ch. 441, Wis. Stats.

Committed to Equal Opportunity in Employment and Licensing

EXHIBIT A

RECEIVED
90 FEB 20 AM 9:59
REGULATION & LICENSING

14. IS DISCIPLINARY ACTION PENDING AGAINST YOU IN ANY STATE?

2011 / 2012

YES _____ NO X

If yes, explain on separate sheet - include state, date, and type of action

09.57

07250044-21-1

A "YES" ANSWER TO THE FOLLOWING QUESTIONS IS NOT AUTOMATIC DENIAL OF A LICENSE. AN "INFORMATION ON CONVICTION(S)/PENDING CHARGE(S)" FORM (#1035) WILL BE SENT TO YOU REQUESTING SPECIFIC INFORMATION RELATIVE TO ANY ARREST OR CONVICTION RECORD.

15. HAVE YOU EVER BEEN CONVICTED OF A CRIME (MISDEMEANOR OR FELONY) OR ARE YOU SUBJECT TO A PENDING CRIMINAL CHARGE? (excluding minor traffic violations)

YES _____ NO X

16. HAVE YOU EVER BEEN TERMINATED FROM ANY NURSING EMPLOYMENT FOR REASONS RELATED TO NEGLIGENCE OR INCOMPETENCE?

YES _____ NO X

If yes, explain on a separate sheet - give name & address of employer(s) & date(s) of employment

If, after a license has been issued on this application, it is ascertained that misrepresentation of facts, or fraudulent statements have been made, the license so issued may be revoked by the Board of Nursing and the applicant becomes subject to legal prosecution.

I state, under the penalties for false swearing provided for in Section 946.32, Wis. Stats. that I am the person who is referred to on the application, that the statements and representations made hereon are strictly true in every respect.

~~Subscribed and sworn to before me~~

This "OFFICIAL SEALING", 1990.

WILLIAM J. BILSKE

NOTARY PUBLIC, STATE OF ILLINOIS

~~JOY~~ COMMISSION EXPIRES 7/7/92

Notary Public (Seal)

Laura V. Hoffman 2-16-90
Applicant's Signature Date

My Commission: 7/1/52

Telephone No. (Area Code): 414 862-2623
Voluntary

Information requested is required for processing this application

RECEIVED
NOV 20 1964
HSP-1

RECEIVED

APR 30 1991

Dept. of Regulation & Licensing
Division of Enforcement

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
LAURA J. VON HOFFEN, R.N.,	:	91 NUR 076
RESPONDENT	:	

It is hereby stipulated between Laura J. Von Hoffen, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning Ms. Von Hoffen's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Ms. Von Hoffen understands that by the signing of this 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 a preponderance of the 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Von Hoffen is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Ms. Von Hoffen agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

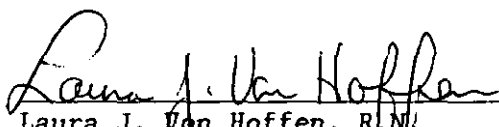
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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

6. Attached to this Stipulation is the current licensure card of Laura J. Von Hoffen. If the Board accepts the Stipulation, Ms. Von Hoffen's license shall be reissued only in accordance with the terms of the attached Final Decision

and Order. If the Board does not accept this Stipulation, the license of Ms. Von Hoffen shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

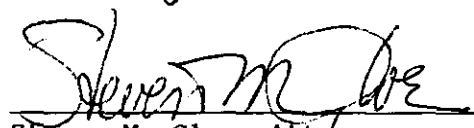
8. The Division of Enforcement joins Ms. Von Hoffen in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.



Laura J. Von Hoffen, R.N.

3-28-92

Date



Steven M. Gloe, Attorney
Division of Enforcement

4.3.92

Date

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 May 5, 1992.