

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

TERESA A. NIEMANN, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
93 NUR 025

ORDER 0001844

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

Teresa A. Niemann
6317 Ford Street
Monona, WI 53716

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. Teresa A. Niemann, R.N. (D.O.B. 02/02/61) is duly licensed as a registered nurse in the state of Wisconsin (license #91753). This license was first granted on August 31, 1985.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 6317 Ford Street, Monona, WI 53716.
3. At all times relevant to this action, respondent was working as a registered nurse for Colonial Manor, 110 Belmont Road, Madison, WI 53714.
4. The Department has received allegations that during her employment at Colonial Manor, Ms. Niemann on several occasions violated patient rights by verbal statements. Ms. Niemann contests the validity of these allegations, but in resolution of these proceedings consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Teresa A. Niemann 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 §N7.04(1), (4) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

(a) The license of Teresa A. Niemann to practice as a nurse in the state of Wisconsin shall be LIMITED as follows:

- (1) Ms. Niemann shall practice only in settings where she works under supervision by another nurse or other licensed health care professional.
- (2) Within six (6) months from the date of this order, Ms. Niemann shall present the Board with documentation to the Board of completion of twenty (20) hours of continuing education in the areas of nursing documentation, patient management and patient rights, or in other areas acceptable to the Board. In addition, Ms. Niemann shall present the Board with documentation of completion of a course in stress and/or anger management acceptable to the Board. To be acceptable, the course(s) shall be pre-approved by a member or designated agent of the Wisconsin Board of Nursing. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Ms. Niemann verifying that she attended the course(s) in their entirety.
- (3) Ms. Niemann shall arrange for quarterly reports to the Board of Nursing from any nursing employer evaluating her work performance, and Ms. Niemann shall report to the Board any change in nursing employment within five (5) days of any such change.
4. During the time these terms and conditions are in effect, Ms. Niemann shall provide all current or prospective nursing employers with a copy of this Final Decision and Order.
5. Ms. Niemann may petition the Board at any time following one year of documented nursing practice pursuant to the terms of this paragraph to revise or eliminate any of the conditions of this Order. 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.

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. Niemann's license; the Board in its discretion may in the alternative impose additional conditions and limitations or other additional

discipline for a violation of any of the terms of this Order.

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

BOARD OF NURSING

By: Jacqueline Johnson RN MS 11-5-93
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
TERESA A. NIEMANN, R.N.,	:	93 NUR 025
RESPONDENT	:	

It is hereby stipulated between Teresa A. Niemann, 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 into as a result of a pending investigation of Ms. Niemann's licensure by the Division of Enforcement (93 NUR 025). Ms. Niemann consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Niemann 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. Niemann is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Ms. Niemann 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 Teresa A. Niemann. If the Board accepts the Stipulation, Ms. Niemann's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Ms.

Niemann 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. Niemann in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Teresa A. Niemann RN
Teresa A. Niemann

10/17/93
Date

Steven M. Gloe
Steven M. Gloe
Division of ~~Enforcement~~

10.20.93
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 November 9, 1993.



PDF: DE00000001545-19931105

Order Dates:
NOV 05, 1993

Respondent Names:
NIEMANN, TERESA A., RN

Complaint IDs:
93NUR025

Profession:
REGISTERED NURSE

Boards:
NUR

Short Description:
LIMITED. COMPLETE 20 CE HOURS WITHIN SIX MONTHS.

Case Summary:
ALLEGATIONS RECEIVED THAT DURING HER EMPLOYMENT ON SEVERAL
OCCASIONS VIOLATED PATIENT RIGHTS BY VERBAL STATEMENTS. CONTESTS
THE VALIDITY OF THESE ALLEGATIONS.

