

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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1992

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

CARRIE LYNN VANDA, R.N., :
RESPONDENT :

FINAL DECISION AND ORDER
93 NUR 140

ORDER 0001881

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

Carrie Lynn Vanda
5610 Bartosh Lane #5
River Falls, WI 54022

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. Carrie Lynn Vanda, R.N. (D.O.B. 09/21/68) is duly licensed as a registered nurse in the state of Wisconsin (license #105935). This license was first granted on October 19, 1990.

2. Ms. Vanda's most recent address on file with the Wisconsin Board of Nursing is 5610 Bartosh Lane #5, River Falls, WI 54022.

3. On or about June 28, 1993, The Minnesota Board of Nursing imposed discipline against the Minnesota license of Ms. Vanda for practicing without a current registration in that state. A true and correct copy of the Minnesota order is attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Final Decision and Order.

4. In resolution of this matter, Ms. Vanda consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Carrie Lynn Vanda is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §§441.06 (3) and (4) and 441.07(1); and Wis. Adm. Code §N7.04(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Carrie Lynn Vanda is REPRIMANDED.

BOARD OF NURSING

By: Jacqueline Johnson RN MS 9/10/93
A Member of the Board Date



MINNESOTA BOARD OF NURSING

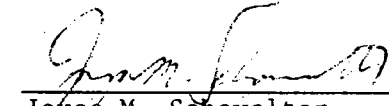
2700 University Avenue West #108 St. Paul, MN 55114 Telephone: (612) 642-0567

I, Joyce M. Schowalter, Executive Director of the Minnesota Board of Nursing, do hereby certify that I am the Custodian of the Records of the Minnesota Board of Nursing and that the attached documents in the matter of Carrie Vanda, RN, are true and correct copies of said documents as they appear among the files and records in the Minnesota Board of Nursing office. The documents are kept in the regular course of business of the Minnesota Board of Nursing and were prepared as a matter of routine business practice of the Board.

WITNESS, my hand and seal of the Minnesota Board of Nursing this 2nd day of July, 1993.

MINNESOTA BOARD OF NURSING

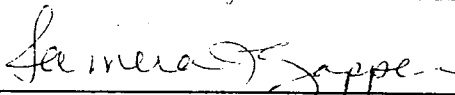
By:


Joyce M. Schowalter
Executive Director

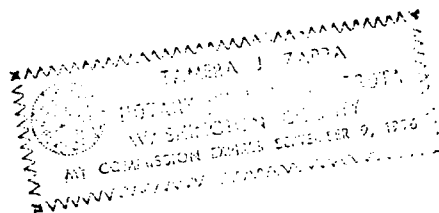
S E A L

Subscribed and sworn to before me this

2nd day of July, 1993.


Signature - Notary

My commission expires:



ENCLOSURE A-

BEFORE THE MINNESOTA
BOARD OF NURSING

In the Matter of
Carrie L. Vanda, RN.
License No. 118944-1

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Carrie L. Vanda, RN, (hereinafter "Licensee"), and the Minnesota Board of Nursing (hereinafter "Board") that without trial or adjudication of any issue of fact or law herein and without any evidence or admission by any party with respect to any such issue:

1. Licensee expressly waives the formal hearing and all other procedures before the Board to which she may be entitled under the Minnesota and/or United States constitutions, statutes, or rules. Although Licensee was reminded of her right to counsel, she voluntarily waived such right stating that she understood her right and her waiver;

2. This Stipulation and Consent Order shall constitute the entire record herein and shall be filed with the Board prior to its next meeting;

3. In the event the Board in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this stipulation and this case proceeds to hearing,

Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

4. Licensee admits the facts referred to below and grants that the Board may, for the purpose of reviewing the record in paragraph 2. above, consider the following as true without prejudice to her in any current or future proceeding of the Board with regard to these or other allegations:

a. On September 30, 1992, Licensee's professional nursing registration expired;

b. From October 1, 1992, through January 22, 1993, Licensee practiced professional nursing while working as a staff nurse which duties included mixing and administering Chemotherapy at United Chemotherapy Center, St. Paul, Minnesota without current registration;

c. On January 27, 1993, Licensee was granted current registration which expires on September 30, 1994.

5. Licensee admits and acknowledges that the facts and conduct specified in paragraph 4. above constitute a violation of Minn. Stat. Sections 148.261, subd. 1, clause (17) and 148.281, subd. 1, clauses (3) and (4)(1992) and justify disciplinary action to her license and constitute a reasonable basis in law and fact to justify the disciplinary action provided for in the order;

6. Licensee acknowledges and admits that proof at hearing of any one or more of the allegations set forth would empower the Board to take action against Licensee's license under Minn. Stat. Section 148.261;

7. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the

basis of any act, conduct, or admission of Licensee justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein;

8. Upon this stipulation and record, as set forth in paragraph 2. above, and without any further notice of proceedings, the Board may, in its discretion, issue an order of REPRIMAND to Licensee and assess Licensee a CIVIL PENALTY;

9. This stipulation and consent order shall be classified as public data pursuant to Minn. Stat. Section 13.41, subd. 4;

10 Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board;

11. Licensee hereby acknowledges that she has read, understands, and agrees to this Stipulation and Consent Order and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges that she is fully aware that the Stipulation and Consent Order must be approved by the Board. The Board may either approve the stipulation and/or order as proposed, approve the order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein;

12. If the Board receives evidence that Licensee has violated the terms of the order, has made misrepresentations to the Board or to those required to submit reports to the Board, and/or engaged in acts or omissions which would be a violation of Minn. Stat. Section 148.261, the

Board shall so notify Licensee in writing at her last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the Notice of Opportunity to Contest Allegations:

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of the notice, the issues set forth in the notice may be taken as true or deemed proven without further evidence. Upon a report to the Board of such allegations and of Licensee's failure to contest, the Board may either impose additional disciplinary action, including revocation, or deny any petition submitted by Licensee. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

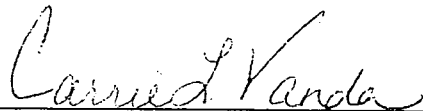
b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214 (1992) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1992) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing administrative actions, that is, evidence demonstrating that the Board is not acting unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof as to why additional disciplinary action should not be imposed

or why any petition for reinstatement should not be denied shall be upon Licensee.

13. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

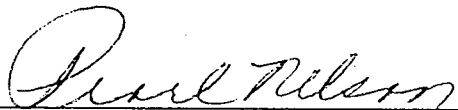
BOARD OF NURSING

REVIEW PANEL



CARRIE L. VANDA, RN
Licensee

Dated: 6-2-93, 1993



PEARL NELSON
Board Member

Dated: June ⁴/₇, 1993

Upon consideration of this stipulation and all the files, records, and proceedings herein,

1. IT IS HEREBY ORDERED that this 3rd day of June, 1993, Licensee is REPRIMANDED for practicing professional nursing without current registration;

2. IT IS FURTHER ORDERED that Licensee is assessed a \$100.00 CIVIL PENALTY for the conduct referenced above. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Nursing and shall be delivered personally or by certified mail to the Minnesota Board of Nursing, c/o Joyce M. Schowalter, Executive Director, Suite 108, 2700 University Avenue West, St. Paul, Minnesota 55114, within 30 days of receipt of this order. All other terms of the Stipulation are adopted and implemented this ^{4th}~~3rd~~ day of June, 1993.

MINNESOTA BOARD

OF NURSING


JOYCE M. SCHOWALTER
Executive Director

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
CARRIE LYNN VANDA, R.N.,	:	93 NUR 140
RESPONDENT	:	

It is hereby stipulated between Carrie Lynn Vanda, 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. Vanda's licensure by the Division of Enforcement (93 NUR 140). Ms. Vanda consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Vanda 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. Vanda is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Ms. Vanda 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. 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.

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

Carrie Lynn Vanda
Carrie Lynn Vanda

8-24-93
Date

Steven M. Gloe
Steven M. Gloe
Division of Enforcement

8.27.93
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 September 14, 1993.