

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 :
: FINAL DECISION AND ORDER
GWENDOLYN ANN LYNG, R.N., : 93 NUR 201
RESPONDENT. :

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

Gwendolyn Ann Lyng
1570 Marion Street, # 301
St. Paul, MN 55117

Wisconsin 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. Gwendolyn Ann Lyng (D.O.B. 9/20/60) is duly licensed in the state of Wisconsin as a registered nurse (license # 103332). This license was first granted on November 30, 1989.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1570 Marion Street, # 301, St. Paul, MN 55117.

*Approved
Department of
Regulation & Licensing
requiring treatment*

3. By Order dated June 28, 1991, the Board of Nursing imposed discipline against the license of Respondent by reason of her diversion of drugs and her chemical dependency. A stay of suspension was granted, conditioned upon Respondent continuing successful participation in a program for treatment of her eating disorders, attendance at therapy sessions, monitoring of her blood or urine, and abstinence from consumption of alcohol and controlled substances.

4. By Order dated September 6, 1991, the Board of Nursing suspended the license of Respondent for a period of four months for violation of the previous Board Order, and failure to abstain from consumption of alcohol.

5. By Order dated September 25, 1992, the license of Respondent was again suspended by the Board of Nursing for violation of its Order in failing to attend therapy as recommended by her therapist, and failure to participate in a program for treatment of her chemical dependency.

6. By Order dated October 30, 1992, the license of Respondent was suspended for a period of two years, and as an accommodation to Respondent's condition a stay was granted by the Board of Nursing, conditioned upon, among other things, Respondent's abstinence from consumption of alcohol, prescription drugs and controlled substances.

7. On September 13, 1992, Respondent admitted to her employer that she was in relapse and had begun drinking alcohol four days previously. As a consequence the license of Respondent was summarily suspended on October 12, 1993, because of Respondent's violation of prior Board Orders.

8. Since October, 1993, Respondent completed an outpatient program at L.E. Phillips Center in Chippewa Falls, participated in aftercare treatment at New Beginnings in St. Paul, Minnesota, and sought therapy at the Ramsey Psychiatry Clinic. However, Respondent again relapsed in December, 1993, resulting in her placement in an inpatient treatment center.

9. On April 13, 1994, Respondent related to the Division of Enforcement that she was not submitting to urine screens for the detection of substance abuse, and that she would tender the voluntary surrender of her license to practice as a registered nurse in the state of Wisconsin.

CONCLUSIONS OF LAW

By the conduct described above, Gwendolyn Ann Lyng is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(c) and (d),, and Wis. Adm. Code sec. N 7.03(2) and N 7.04(1), (2) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the VOLUNTARY SURRENDER by Gwendolyn Ann Lyng of her license to practice in the state of Wisconsin as a registered nurse is accepted.

IT IS FURTHER ORDERED, that if the Respondent shall ever re-apply for a license to practice as a nurse in the state of Wisconsin:

- a. The Board of Nursing may consider the Findings of Fact contained herein in determining whether to grant a license;
- b. The Board of Nursing may require the Respondent to complete all requirements and to take and pass all examinations then required for original licensure;
- c. As a reasonable accommodation to Respondent's condition, the Board of Nursing may require proof to its satisfaction that the Respondent does not have a chemical dependence;
- d. In the event that the Board considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license to practice nursing as the Board deems appropriate at the time.

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".

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

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnson RN MS Date 5/6/94
A Member of the Board

jh

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
GWENDOLYN ANN LYNG, R.N.,	:	93 NUR 201
RESPONDENT	:	

It is hereby stipulated between Gwendolyn Ann Lyng, personally on her own behalf and James W. Harris, 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 Respondent's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Respondent 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. Respondent 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. Respondent 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 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 Respondent hereby tenders the voluntary surrender of her license to practice as a registered nurse in the state of Wisconsin.

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

Gwendolyn A. Lyng
Gwendolyn Ann Lyng

4-15-94
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

April 20, 1994
Date

jh

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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 10, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)