

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

MARY R. KAPELLEN, LPN,
RESPONDENT

FINAL DECISION AND ORDER
94 NUR 003

ORDER 0001627

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

Mary R. Kapellen, LPN
512 Ridgeway Street
Edgerton, WI 53534

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. Mary R. Kapellen, LPN (D.O.B. 04/28/52) is duly licensed as a practical nurse in the state of Wisconsin (license #14408). This license was first granted on December 7, 1973.

2. Ms. Kapellen's most recent address on file with the Wisconsin Board of Nursing is 512 Ridgeway Street, Edgerton, WI 53534.

3. On May 1, 1991, Ms. Kapellen's Wisconsin nursing registration expired, and Ms. Kapellen did not renew her registration until November 4, 1993. During that period of time, Ms. Kapellen performed work as an L.P.N. at Affiliated Physicians - Edgerton Clinic, 1011 North Main Street, Edgerton, Wisconsin.

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

Reviewed

CONCLUSIONS OF LAW

By the conduct described above, Mary R. Kapellen is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §§441.10 (3)(c) and 441.07(1); and Wis. Adm. Code §N7.04(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Mary R. Kapellen, LPN is REPRIMANDED.

IT IS FURTHER ORDERED that

1. Within thirty (30) days from the date of this Order, Ms. Kapellen shall submit documentation to the Board certifying that she has notified the following of her work as a nurse without current registration:
 - a. all employers where Ms. Kapellen worked as a nurse between May 1, 1991 and November 4, 1993;
 - b. all private insurance carriers who provided coverage and paid for nursing services performed by Ms. Kapellen during the time period between May 1, 1991 and November 4, 1993; and
 - c. E.D.S. Federal, 6406 Bridge Road, Madison WI 53784 [If Medicare/Medicaid provided coverage and paid for nursing services performed by Ms. Kapellen during the time period between May 1, 1991 and November 4, 1993.]
2. Within thirty (30) days from the date of this Order, Ms. Kapellen shall pay partial costs of this proceeding in the amount of seventy-five (\$75.00) dollars. Payment shall be made via check or money order payable to the Wisconsin Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708.

BOARD OF NURSING

By.

Jacqueline Johnson RN MS
A Member of the Board

Date

5/6/94

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARY R. KAPELLEN, LPN,	:	94 NUR 003
RESPONDENT	:	

It is hereby stipulated between Mary R. Kapellen, LPN, 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. Kapellen's licensure by the Division of Enforcement. Ms. Kapellen consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Kapellen 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 her; 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. Kapellen is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Ms. Kapellen 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 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. Kapellen in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mary R. Kapellen
Mary R. Kapellen, LPN

April 16, 1994
Date

Kevin F. Milliken
Kevin F. Milliken, Attorney for
Mary R. Kapellen

April 19, 1994
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

April 25, 1994
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.

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.)



PDF: DE00000001810-19940506

Order Dates:

MAY 06, 1994

Respondent Names:

KAPELLEN, MARY R., LPN

Complaint IDs:

94NUR003

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

REPRIMANDED. SUBMIT DOCUMENTATION. \$75.00 COSTS BY 6/5/94.

Case Summary:

ON 5/1/93 REGISTRATION EXPIRED AND DID NOT RENEW UNTIL 11/4/93.
DURING THAT PERIOD OF TIME SHE PERFORMED WORK AS AN LPN.

