

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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[#1]

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JANEEN. KAVENEY-NELSON, L.P.N.,
RESPONDENT

:
:
:
:
:

FINAL DECISION AND ORDER
95 NUR 093

ORDER 0001631

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

Janeen Kaveney-Nelson
N2247 Parfreyville Road
Waupaca, WI 53094

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. Janeen Kaveney-Nelson, L.P.N. (D.O.B. 08/20/54) is duly licensed as a practical nurse in the state of Wisconsin (license #16400). This license was first granted on May 28, 1975.

2. Ms. Kaveney-Nelson's most recent address on file with the Wisconsin Board of Nursing is N2247 Parfreyville Road, Waupaca, WI 53094.

3. On September 14, 1993, Ms. Kaveney-Nelson entered the Wisconsin Department of Regulation and Licensing Impaired Professional's Procedure [IPP] as an informal resolution of an investigation involving the effect of Ms. Kaveney-Nelson's chemical dependency on her nursing practice. A true and correct copy of the Impaired Professionals Procedure Agreement on Statement of Facts is attached to this document as Exhibit A. Exhibit A is incorporated

into this document by reference.

4. Ms. Kaveney-Nelson has failed to comply with the terms of her participation in the IPP, and the Board of Nursing dismissed her from that program on May 5, 1995.

5. In resolution of this matter, Ms. Kaveney-Nelson consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow her an opportunity to continue her nursing career, in light of the facts and circumstances of this case.

CONCLUSIONS OF LAW

Janeen Kaveney-Nelson is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03(2) and N7.04(14) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Janeen Kaveney-Nelson to practice as a practical nurse in the state of Wisconsin (#16400) shall be SUSPENDED for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that

(a) Ms. Kaveney-Nelson may petition the Board at any time for a stay of the suspension of her licensure. In conjunction with a petition by Ms. Kaveney-Nelson, the Board shall require submission of a current chemical dependency assessment from a health care provider acceptable to the Board attesting to Ms. Kaveney-Nelson's ability to safely and competently return to nursing practice. To be considered current, the assessment shall have occurred within thirty (30) days from the date of its submission.

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.

(b) Upon its determination that Janeen Kaveney-Nelson 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 such terms and conditions as the Board finds appropriate.

i. Janeen Kaveney-Nelson 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. Kaveney-Nelson's practice during the prior three (3) month period.

ii. If the Board denies the petition by Ms. Kaveney-Nelson 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. Ms. Kaveney-Nelson 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.

iv. Upon a showing by Ms. Kaveney-Nelson of complete, successful and continuous compliance for a period of two (2) years with such terms as the Board may impose, Ms. Kaveney-Nelson may petition for return of full licensure. The Board may, in its discretion, require that Ms. Kaveney-Nelson complete at least six (6) months of nursing employment monitored under the conditions of ¶(c) prior to the Board's issuance of a complete and unrestricted license.

(d) Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Kaveney-Nelson'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 on the date of its signing.

BOARD OF NURSING

By: Pamela A. Mason
A Member of the Board

9/8/95
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
IMPAIRED PROFESSIONALS PROCEDURE
AGREEMENT ON
STATEMENT OF FACTS

1. Janeen Kavaney-Nelson, L.P.N. (D.O.B. 08/20/54) is duly licensed as a practical nurse in the state of Wisconsin (license #16400). This license was first granted on May 28, 1975.

2. Ms. Kavaney-Nelson's most recent address on file with the Wisconsin Board of Nursing is N2247 Parfreyville Road, Waupaca, WI 54981.

3. On or about February 3, 1993, Ms. Kavaney-Nelson entered into a Deferred Prosecution Agreement in Waupaca County Court which included a requirement that Ms. Kavaney-Nelson maintain active participation in treatment for chemical dependency.

4. By signing this document, Ms. Kavaney-Nelson agrees that the facts set forth above are true. Ms. Kavaney-Nelson agrees that the Impaired Professional Procedure represents a reasonable accommodation on the part of the Board of Nursing to afford her an opportunity to continue her practice as a nurse in Wisconsin. Ms. Kavaney-Nelson affirms her understanding that in the event she is terminated from the Wisconsin Impaired Professionals Procedure for any reason, this Statement of Facts may be admissible in a disciplinary action against her license. Ms. Kavaney-Nelson further agrees that the facts contained in this Statement shall be deemed a sufficient basis for subsequent disciplinary action under the requirements of Wis. Adm. Code §N7.03(2) and (3) and the Americans with Disabilities Act of 1990.

Janeen Kavaney-Nelson
Janeen Kavaney-Nelson

9/14/93
Date

EXHIBIT 1

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JANEEN KAVENEY-NELSON, L.P.N.,	:	95 NUR 093
RESPONDENT	:	

It is hereby stipulated between Janeen Kaveney-Nelson, 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. Kaveney-Nelson's licensure by the Division of Enforcement (95 NUR 093). Ms. Kaveney-Nelson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Kaveney-Nelson 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 Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Kaveney-Nelson 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. Kaveney-Nelson 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 Janeen Kaveney-Nelson. If the Board accepts the Stipulation, Ms. Kaveney-Nelson'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. Kaveney-Nelson 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. Kaveney-Nelson in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Janeen Kaveney-Nelson
Janeen Kaveney-Nelson, L.P.N.

6-19-95
Date

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

7.11.95
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:

SEPTEMBER 12, 1995.

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: DE00000002061-19950908

Order Dates:

SEP 08, 1995

Respondent Names:

KAVANEY-NELSON, JANEEN, LPN

Complaint IDs:

95NUR093

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

SUSPENDED INDEFINITELY.

Case Summary:

FAILED TO COMPLY WITH THE TERMS OF HER PARTICIPATION IN THE IPP,
AND THE BOARD DISMISSED HER FROM THAT PROGRAM.

