

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:
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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GAIL SWENTESKY, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
93 NUR 112

ORDER 0001656

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

Gail Swentesky
8651 22nd Avenue
11
Kenosha, WI 53143

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. Gail Swentesky (D.O.B. 6/13/57) is duly licensed in the state of
Wisconsin as a licensed practical nurse (license # 23529). This license was
first granted on December 9, 1980.
2. Respondent's latest address on file with the Department of
Regulation and Licensing is 1465 B Sheridan Road, #16, Kenosha, WI 53140. The
actual current address of Respondent is 8651 22nd Avenue, # 11, Kenosha, WI
53143.
3. At all times relevant to this action Respondent was employed as a
licensed practical nurse at Crown Manor Health Care Center, Zion, Illinois.

*Negligence
abandoned work station w/o leave
upset & behind
stress argument*

4. Respondent accepted an assignment through Nursefinders to work as a licensed practical nurse at Mount Carmel Health Care Center, Burlington, Wisconsin.

5. On June 10, 1993, Respondent reported for her first duty shift (3 p.m. to 11 p.m.) at Mount Carmel. Respondent was given a brief orientation and was assigned medication administration to 35 residents and the supervision of two nursing assistants.

6. Because of an incident in which a resident sustained a minor injury, Respondent got several hours behind in her administration of medication. Respondent became upset but could not locate another staff nurse or supervisor to assist or relieve her. Overwhelmed by the work load Respondent abandoned her duty station and left the facility at approximately 6:45 p.m. without notification or consent.

CONCLUSIONS OF LAW

By the conduct described above, Gail Swentesky is subject to disciplinary action against her license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (c), and Wis. Adm. Code sec. N 7.03(1)(a) (b), (c) and (g).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Gail Swentesky shall be SUSPENDED for a period of not less than one (1) year.

(a) IT IS FURTHER ORDERED that the suspension shall be STAYED for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b) below.

i. Respondent 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 Respondent's practice during the prior three month period.

ii. If the Board denies the petition by Respondent for an extension of stay, 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. Upon a showing by Respondent of complete, successful and continuous compliance for a period of one (1) year with the terms of paragraph (b) below, the Board shall grant a petition by Respondent for the return of full licensure. The Board may in its discretion require that Respondent complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to issuance of an unrestricted license.

(b) CONDITIONS OF STAY

i. Respondent shall provide her employer and any prospective employer with a copy of this Final Decision and Order immediately upon its issuance, and upon any change of employment. In addition, Respondent shall immediately provide her employer with a copy of any denial of extension of stay under this Order.

ii. Respondent shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance. Upon request of the Board, Respondent shall provide the Board with current releases complying with state and federal law, authorizing release of all employment records.

iii. Respondent shall not act in the capacity of a charge nurse or in any supervisory nursing position during the term of this Order.

iv. Respondent shall report to the Board any change in employment status, change of residence address or telephone number within five (5) days of such change.

v. During the term of this Order Respondent shall certify to the Board of Nursing the successful completion of an approved course in stress management and in nursing ethics. The subject matter of the course in nursing ethics must be "the legal aspects of nursing related to clinical practice". The course outlines must be pre-approved by a Board designee no later than three months from the date of this Order. No outline will be approved unless it includes the name of the institution offering the instruction, the name of the instructor, and the course content.

vi. During the term of this Order the Respondent shall prepare a one thousand word essay on the topic of patient abandonment which shall be submitted to the Board or its designee for approval.

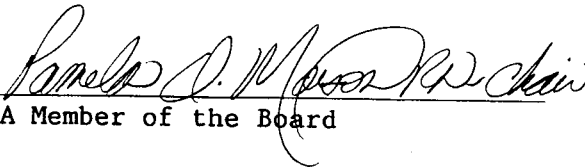
(c) Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare, and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations or other additional discipline .

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:


A Member of the Board

5-5-95
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
GAIL SWENTESKY, L.P.N.,	:	93 NUR 112
RESPONDENT	:	

It is hereby stipulated between Gail Swentesky, 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 into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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.

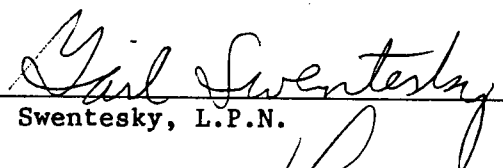
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

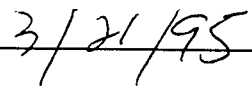
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

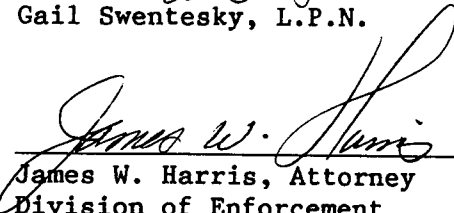
6. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order.

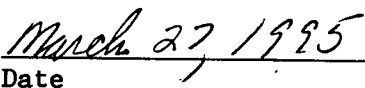
7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

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


Gail Swentesky, L.P.N.


Date


James W. Harris, Attorney
Division of Enforcement


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 8, 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: DE00000001574-19950505

Order Dates:

MAY 05, 1995

Respondent Names:

SWENTESKY, GAIL, LPN

Complaint IDs:

93NUR112

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

SUSPEND ONE YEAR; STAYED 3 MONTHS WITH LIMITATIONS.

Case Summary:

GOT SEVERAL HOURS BEHIND IN HER ADMINISTRATION OF MEDICATIONS AT
HER PLACE OF EMPLOYMENT. BECAME UPSET. ABANDONED HER DUTY
STATION AND LEFT THE FACILITY WITHOUT NOTIFICATION OR CONSENT.

