

## 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

TODD JAMES CONNAUGHTY, L.P.N.,  
RESPONDENT.

FINAL DECISION AND ORDER  
94 NUR 081

ORDER 0001685

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

Todd James Connaughty  
909 13th Avenue South # B  
Onalaska, WI 54650

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. Todd James Connaughty (D.O.B. 3/28/64) is duly licensed in the  
state of Wisconsin as a licensed practical nurse (license # 32066). This  
license was first granted on January 12, 1994.

2. Respondent's latest address on file with the Department of  
Regulation and Licensing is 909 13th Avenue South, #B, Onalaska, WI 54650.

95  
Surrender  
License to participate  
in IPP  
abuse of alcohol

3. Respondent was required to participate in the Impaired Professionals Procedure as a condition of the granting of original licensure.

4. On May 2, 1994, Respondent stated by letter that he would not comply with the requirement of participation in the Impaired Professionals Procedure, and Respondent tendered the voluntary surrender of his license to practice as a licensed practical nurse in the state of Wisconsin.

#### CONCLUSIONS OF LAW

By the conduct described above, Todd James Connaughty is subject to disciplinary action against his license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.10(3) and 441.07(1)(c), and Wis. Adm. Code N 7.03(2).

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.

2. The VOLUNTARY SURRENDER of the license of Todd James Connaughty to practice as a licensed practical nurse in the state of Wisconsin is accepted.

3. If the Respondent shall ever re-apply for a license to practice as a licensed practical nurse in the state of Wisconsin, the following conditions shall apply:

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, the Board of Nursing may require proof to its satisfaction that Respondent does not have a chemical dependence that would impede his ability to safely practice as a nurse;

d. In the event that the Board of Nursing considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license to practice as a nurse 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: Pamela O. Moran  
A Member of the Board

1/6/95  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
TODD JAMES CONNAUGHTY, L.P.N.,	:	94 NUR 081
RESPONDENT	:	

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It is hereby stipulated between Todd James Connaughty, personally on his 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 he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his 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. Respondent has determined that it is in his best interests not to practice as a nurse in the state of Wisconsin, and he hereby tenders the VOLUNTARY SURRENDER of his license to the Board of Nursing.

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.

Todd J. Connaughty, GPN  
Todd James Connaughty, M.P.N.

10/25/94  
Date

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

November 22, 1994  
Date

jh

I, Todd Connaughty, would like for it to be noted that "best interest" listed in number six above is solely due to the financial obligation attached with being a participant in the Impaired Professional Program ordered by the State Board of Nursing.

Furthermore, defendant believes he has been discriminated against but due to lack of financial resources, he is unable to take any recourse in this matter.

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## NOTICE OF APPEAL INFORMATION

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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:**

JANUARY 9, 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: DE00000001837-19950106

Order Dates:  
JAN 06, 1995

Respondent Names:  
CONNAUGHTY, TODD JAMES, LPN

Complaint IDs:  
94NUR081

Profession:  
LICENSED PRACTICAL NURSE

Boards:  
NUR

Short Description:  
VOLUNTARY SURRENDER.

Case Summary:  
WAS REQUIRED TO PARTICIPATE IN IMPAIRED PROFESSIONALS PROCEDURE  
AS A CONDITION OF THE GRANTING OF ORIGINAL LICENSURE. STATED HE  
WOULD NOT COMPLY WITH THE REQUIREMENT OF PARTICIPATION AND  
TENDERED THE VOLUNTARY SURRENDER OF HIS LICENSE.

