

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

DEBRA J. VERMEERN, RCP, :
RESPONDENT :

FINAL DECISION AND ORDER
97 MED 316

LS 9802254MED

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Debra J. Vermeern, RCP
1515 N. Clark St.
Appleton, WI 54911

Medical Examining Board
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. Debra J. Vermeern, RCP (D.O.B. 04/26/49) is duly licensed as a respiratory care practitioner in the state of Wisconsin (license #1457). This license was first granted on November 11, 1992.

2. Ms. Vermeern's most recent address on file with the Wisconsin Medical Examining Board is 1515 North Clark Street, Appleton, WI 54911.

3. On November 1, 1995, Ms. Vermeern's Wisconsin respiratory care registration expired, and Ms. Vermeern did not renew her registration until October 6, 1997. During that period of time, Ms. Vermeern continued to work in Wisconsin as a respiratory care practitioner.

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

CONCLUSIONS OF LAW

By the conduct described above, Debra J. Vermeern is subject to disciplinary action against her license to practice as a respiratory care practitioner in the state of Wisconsin, pursuant to secs. 448.02(3) and 448.03(1m), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Debra J. Vermeern, RCP is REPRIMANDED.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, Respondent shall pay partial costs of this proceeding in the amount of one hundred (\$100.00) dollars. **Payment shall be made via certified check or money order and shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to Department Monitor, Division of Enforcement, PO Box 8935, Madison, WI 53708-8935.**

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

MEDICAL EXAMINING BOARD

By: Wanda Raever
A Member of the Board

February 25, 1998
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	STIPULATION
DEBRA J. VERMEERN, RCP,	:	97 MED 316
RESPONDENT	:	

It is hereby stipulated between Debra J. Vermeern, 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. Vermeern's licensure by the Division of Enforcement. Ms. Vermeern consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Vermeern 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. Vermeern 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. Ms. Vermeern agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. 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 Medical Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering

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Dept. of Regulation & Licensing
Division of Insurance

questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Vermeern in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Debra J. Vermeern
Debra J. Vermeern, RCP

1/14/98
Date

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

2/13/98
Date

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FEB - 2 1998

Dept. of Revenue
L. 150001

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On February 25, 1998, the Medical Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: LS9802254MED

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ \$100.00

The costs and/or forfeitures are due: March 27, 1998

NAME: Debra J. Vermeern LICENSE NUMBER: 1457

STREET ADDRESS: 1515 North Clark Street

CITY: Appleton STATE: WI ZIP CODE: 54911

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

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Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Debra J. Vermeern, RCP,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 2, 1998, I served the Final Decision and Order dated February 25, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9802254MED, upon the Respondent Debra J. Vermeern, RCP by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 794.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Debra J. Vermeern, RCP
1515 N. Clark Street
Appleton WI 54911



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 2nd day of March, 1998.



Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: DEBRA J VERMEERN RCP

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/2/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:
(a) Some material error of law.
(b) Some material error of fact.
(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.
(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly as possible to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1. to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to such judicial review and to the attorney, vacation or nonattendance of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the agency general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such notice. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties therein, by order of the reviewing court.

(3) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to such judicial review and to the attorney, vacation or nonattendance of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the agency general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such notice. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties therein, by order of the reviewing court.

(4) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the savings and loan review board, the credit union review board, the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(5) A copy of the petition shall be served personally or by certified mail or when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review on the agency's decision under s. 227.47 or the person's attorney of record.

(6) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entered in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in those cases for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. . . .