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STATE OF WISCONSIN

BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST	FINAL DECISION AND ORDER
PAUL W. HORNEIJ, LPN,	LS 9904121NUR
RESPONDENT.	DOE Case No. 98 NUR 193

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

Paul W. Hornej
2022 52nd Street
Kenosha, WI 53140

Board of Nursing
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in 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. Paul W. Hornej [DOB November 20, 1957] is licensed by the Board of Nursing as an licensed practical nurse in the state of Wisconsin [license #301672]. This license was first granted July 31, 1998.
2. Respondent’s last address reported to the Department of Regulation and Licensing is 2022 52nd Street, Kenosha, WI 53140.
3. On or about February 3, 1999, Respondent was charged in Kenosha County Circuit Court Case No. 99-CF-105 with:
 - a. One count of second degree sexual assault for sexual contact or sexual intercourse with a patient or resident of Brookside Health care Center, in violation of sec. 940.225(2)(g), Stats., a class BC felony.
 - b. One count of abuse or neglect of a patient or resident for sexual contact or sexual intercourse with a patient or resident of Brookside Health care Center, in violation of sec. 940.295(1)(a)(b)(3)2, Stats., a class E felony.

A true and correct copy of the Criminal Complaint in this matter is attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this document.

4. Criminal proceedings are pending against Respondent for the charges referred to in ¶3, above.
5. In resolution of this matter, Respondent consents to entry of the following Conclusions of Law. Respondent further consents to the entry of the following Order, based upon this Order’s Findings of Fact and Conclusions of Law.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.
2. The Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
3. The conduct described in the charges pending against Respondent constitutes grounds for revocation of Respondent’s license, pursuant to sec. 441.07(1)(b) and (d), Stats and § N7.04(1), (3),(4), (11) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Paul W. Hornej’s license as an licensed practical nurse in the state of Wisconsin is hereby REVOKED, effective immediately.

IT IS FURTHER ORDERED THAT Paul W. Hornej’s license as an licensed practical nurse in the state of Wisconsin shall be reinstated immediately, if Respondent provides proof sufficient to the Board of the dismissal of all criminal charges pending against Respondent relevant to Kenosha County Wisconsin Circuit Court Case No. 99-CF-105.

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".

Dated at Madison, Wisconsin this 12th day of April, 1999.

BOARD OF NURSING

By: Timothy D. Burns CRNA_
On behalf of the Board

