

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST:

TAMMY L. Schyvinck, LPN,

FINAL DECISION AND ORDER

RESPONDENT

LS0103017NUR

Division of Enforcement Case File No. 99 NUR 186

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

Tammy L. Schyvinck

W9504 Lake Road

Edgerton, WI 53534

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. Tammy L. Schyvinck (DOB 02/11/1968) is licensed by the Board of Nursing as a licensed practical nurse in the state of Wisconsin [license #29980]. This license was first granted on 12/01/1989.
2. Respondent's last address reported to the Department of Regulation and Licensing is W9504 Lake Road, Edgerton, WI 53534.
3. Between April 1999 and June 9, 1999, Respondent was employed as the Resident Director of Alterra Woven Hearts, a community-based residential facility in Jefferson, Wisconsin. Among her duties, the Respondent was responsible for the oversight of health care management for the facility residents.
4. On June 9, 1999, while the Respondent was managing the facility, a complaint was filed to the local law enforcement agency, alleging patient neglect. The law enforcement investigation confirmed that an elderly resident of the facility was suffering from two severe bedsores and had received ineffectual treatment at the facility. The resident was removed from the facility and taken to the Emergency Room at Fort Atkinson Memorial Hospital where she was examined and received appropriate treatment for her bedsores.
5. On June 17, 1999, Alterra filed a Report of Alleged Client Abuse, Neglect or Misappropriation to the Bureau of Quality Assurance, pursuant HFS Wis. Admin. Code. A copy of the report was provided to the Department of

Regulation and Licensing, which commenced a formal disciplinary investigation against Respondent for professional misconduct.

6. On December 30, 1999, a Criminal Complaint was filed against Respondent charging her with one count of Negligent Neglect of Resident, a Class A Misdemeanor. A true and correct copy of the Criminal Complaint is attached to this Order as Exhibit A. Respondent has agreed to enter a plea of no contest to the Misdemeanor charge.

7. In resolution of this disciplinary investigation and the pending criminal charges, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.

2. The conduct referred to above constitutes a violation of Wis. Admin. Code § N6.04 (1) (c); § N6.04 (1) (d); § N6.04 (3) (b).

3. The Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

4. The conviction referred to above constitutes grounds for revocation of Respondent's license, pursuant to sec. 441.07(1), Wis. Stats. and Wis. Admin. Code § N6.05 (1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Tammy L. Schyvinck's license as a licensed practical nurse in the State of Wisconsin, is hereby **REVOKED**. This revocation is based upon Ms. Schyvinck's **VOLUNTARY SURRENDER** of her Wisconsin Nursing License.

IT IS FURTHER ORDERED that the revocation of Ms. Schyvinck's license shall remain in effect until and unless she petitions for reinstatement. A request for reinstatement shall not be submitted within one year from the date of the revocation. Upon submission of acceptable evidence of Ms. Schyvinck's successful rehabilitation, including certification that she has completed the DFHS Rehabilitation Review Approval and completed her continuing education requirements, the Nursing Board may, in its discretion, accept or deny the Petition for Reinstatement. Approval of the Petition shall not be unreasonably withheld.

This revocation shall be effective upon the date of signing of this Order.

BOARD OF NURSING

By: Ann Brewer

3-1-01

A Member of the Board

Date