

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 | : | |
| | : | LS0405141NUR |
| DIANE M. OLES, L.P.N., | : | |
| RESPONDENT. | : | |

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Diane M. Oles, L.P.N.
2701 University Avenue Box 441
Madison, WI 53705

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 of Nursing. 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. Diane M. Oles, L.P.N., Respondent, date of birth August 26, 1937, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 29518, which was first granted November 16, 1988.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2701 University Avenue, Box 441, Madison, WI 53705.

Counts I, II and III

3. Respondent is not licensed as a registered nurse in Wisconsin or in any other state. Respondent is not qualified to be licensed as a registered nurse in Wisconsin.

4. Since at least 1990, Respondent has continuously represented that she is licensed as a registered nurse in the state of Wisconsin. Based on Respondent's representations that she was licensed as a registered nurse, Respondent was employed and worked performing the duties of a registered nurse in Wisconsin, as follows:

- a. June 1990 through August 1992 – at St. Claire Meadows, a nursing home in Baraboo, Wisconsin.
- b. August 1993 through March 1994 – at Vilas Pines Living Center, a nursing home in Friendship, Wisconsin.

- c. May 1994 through April 1999 – at Sauk County Health Department, Baraboo Wisconsin.
- d. April 1999 through April 2003 – at Wisconsin Dells Health and Rehabilitation Center in Wisconsin Dells, Wisconsin.
- e. June 20, 2003 to October 15, 2003 – at REM Health of Wisconsin, Inc. in Baraboo, Wisconsin, performing home visits in the state of Wisconsin.

5. § 441.06(4), Stats., states:

“No person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. No person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse.”

6. While she worked as a registered nurse, Respondent was paid at the rate of pay for a registered nurse, which is more than the rate of pay for a licensed practical nurse.

Count IV

7. Respondent obtained or made a copy of the certification of registration of the registered nurse who held license number 82448. Respondent then made an altered copy of the certificate by substituting Respondent’s name and address for the name and address of the registered nurse who legally held the license.

8. Respondent provided Sauk County Health Department with a copy of the forged certificate, in response to a request for proof she was licensed as a registered nurse.

9. Respondent provided Wisconsin Dells Health and Rehabilitation Center with a copy of the forged certificate, in response to a request for proof she was licensed as a registered nurse.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats., and has authority to enter into this stipulated resolution pursuant to § 227.44(5), Stats.

2. By practicing as a registered nurse, Respondent violated § 441.06(4), Stats., a law substantially related to the practice of nursing, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), and which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats. [Count I]

3. Respondent practiced beyond the scope of her license as a practical nurse, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(5), and which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats. [Count II]

4. Respondent obtained compensation by fraud, misrepresentation and deceit, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(5), and which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats. [Count III]

5. By altering and presenting the certificate to her employers when asked for evidence that she was a registered nurse, Respondent has committed forgery in violation of § 943.38, Stats., a crime substantially related to nursing, which is misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), and which subjects Respondent to discipline pursuant to § 441.07(1)(d), Stats. [Count IV]

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Diane M. Oles, L.P.N., Respondent, as a licensed practical nurse in the state of Wisconsin is hereby REVOKED, effective immediately.
2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$900.00 pursuant to § 440.22(2), Stats.
3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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 10th day of June, 2004.

Jacqueline A. Johnsrud, R.N.
Chairperson
Board of Nursing