

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
ZOEANN M. BOLDOC, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0606082NUR
 :

Division of Enforcement Case # 03 NUR 195

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Zoeann M. Bolduc, R.N.
20827 Howland Ave. W
Lakeville, MN 55044

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Zoeann M. Bolduc, R.N., (DOB 08/19/1952) was duly licensed as a registered nurse in the State of Wisconsin (license #131332). This license was first granted on January 8, 1999. It expired on February 29, 2004. Pursuant to Wis. Stat. § 440.08(3), she has a right to renew her license upon payment of fees until March 1, 2009.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 218 N. Jefferson St. Apt. 1, St. Croix Falls, Wisconsin. Her last known address reported to the investigator assigned to this case is 20827 Howland Ave. W., Lakeville, Minnesota.

3. At all times relevant to this action, Respondent was working as a registered nurse at St. Croix Regional Medical Center in Wisconsin.

4. On July 18, 2003, Respondent's employment with St. Croix Regional Medical Center was terminated when a

urine screen confirmed high levels of opiates. She admitted that she had diverted 10 mg. of Morphine IM on July 17, 2003, approximately 30 minutes after her scheduled shift started.

5. Respondent also admitted to diverting 5 mg. Morphine IM on July 16, 2003, at the end of her shift and to diverting morphine 6 to 10 times over a three month period.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-5 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. The conduct described in paragraphs 4-5 above constitutes a violation of Wisconsin Administrative Code § N 7.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Board of Nursing accepts the surrender of the right to renew the license of Zoëann M. Bolduc, R.N. (licen #30-131332), to practice as a nurse in the State of Wisconsin.

3. In the event that Ms. Bolduc re-applies for Wisconsin licensure as a nurse in the future, the Board may enter an denying such application without further notice or hearing.

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

Dated at Madison, Wisconsin this 8th day of June, 2006.

Board of Nursing

By: Marilyn Kaufmann

A Member of the Board

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
ZOEANN M. BOLDUC, R.N., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 03 NUR 195

Zoeann M. Bolduc, R.N., personally on her own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 03 NUR 195). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing 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 herself; 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to voluntarily surrender her right, pursuant to Wis. Stat. § 440.08(3), to renew her license to practice as a registered nurse in the State of Wisconsin. Respondent agrees that she will not reapply for Wisconsin licensure as a nurse at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a nurse, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. 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.

6. 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a

public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Zoeann M. Bolduc, R.N.
20827 Howland Ave W
Lakeville, MN 55044

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date