

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDING AGAINST :
 :
PATRICIA A. FALCK, L.P.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0607134NUR
 :

Division of Enforcement Cases # 03NUR206, 05NUR168 & 06NUR033

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

Patricia A. Falck, L.P.N.
905 Irish Road, Apt. #3
Neenah, WI 54956

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

Wisconsin 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 Wisconsin 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. Patricia A. Falck, L.P.N., (DOB 11/11/1960) is duly licensed as licensed practical nurse in the state of Wisconsin (license #26249). This license was first granted on May 26, 1983.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 905 Irish Road, Apt. #3, Neenah, Wisconsin 54956.
3. At all times relevant to this action, Respondent was working as a licensed practical nurse in the state of Wisconsin.
4. On August 11, 2003, Respondent was convicted of forgery involving a credit card of a co-worker.
5. Respondent is currently receiving treatment for Post Traumatic Stress Disorder. Following the advice of her

psychiatrist, she is not currently practicing as a licensed practical nurse.

6. Respondent tenders the voluntary surrender of her license to practice as a licensed practical nurse in the state of Wisconsin.

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 paragraph #4, above, constitutes a violation of Wisconsin Administrative Code § N 7.04(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The voluntary surrender of Patricia A. Falck's license to practice as a licensed practical nurse, license #26249, in the state of Wisconsin is hereby accepted as the full and final resolution of pending investigations # 03NUR206, 05NUR168 & 06NUR033.

2. Patricia A. Falck will not practice or attempt to practice as a licensed practical nurse in the State of Wisconsin without a Wisconsin license.

3. Costs in this matter will be waived.

IT IS FURTHER ORDERED that:

4. In the event, Patricia A. Falck shall ever request reinstatement or re-apply for a license to practice as a nurse in the State of Wisconsin, she shall, in addition to all other requirements for licensure, demonstrate to the satisfaction of the Board of Nursing that she is mentally and emotionally competent, and that she can safely and reliably perform nursing functions.

5. If Respondent ever petitions for reinstatement or applies for any license or privilege from the board, she shall pay the costs of investigating and prosecuting this matter, in the amount of one thousand one hundred and twenty-six dollars (\$1,126.00), before such petition or application may be considered. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

July 13, 2006
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
PATRICIA A. FALCK, L.P.N., : LS# _____
RESPONDENT. :

Division of Enforcement Cases # 03NUR206, 05NUR168 & 06NUR033

It is hereby stipulated between Patricia A. Falck, L.P.N., and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case #03NUR206, 05NUR168 & 06NUR033). 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 him/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 the adoption of the attached Final Decision and Order by the Wisconsin 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.

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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin 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 his/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.

7. 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.

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

Patricia A. Falck
905 Irish Road, Apt. #3
Neenah, WI 54956

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date