

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 :
 :
LINDA M. GALARZA, R.N., : INTERIM ORDER
RESPONDENT. : LS 0810081 NUR

[Division of Enforcement Case #'s 06 NUR 123 & 08 NUR 363]

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

Linda M. Galarza, R.N.
5712 W. Vliet Street, #A
Milwaukee, WI 53208

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 and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

This disciplinary proceeding was commenced by the filing and service of a Complaint and Notice of Hearing on October 8, 2008 regarding DOE case number 06 NUR 123. A Petition for Summary Suspension regarding DOE case number 08 NUR 363 was served by mail to Respondent on October 20, 2008 and is scheduled to be presented to the Board on November 6, 2008. The parties in this matter agree to the terms and conditions of the attached Stipulation as an Interim Order in both matters, subject to the approval of the Board of Nursing. The Division withdraws its Petition for Summary Suspension if the Board accepts this Stipulation and issues this Interim Order. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Linda M. Galarza, R.N., Respondent, date of birth October 22, 1978, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 151416, which was first granted July 21, 2005.

2. Respondent's last address reported to the Department of Regulation and Licensing is 5712 W. Vliet Street, #A Milwaukee, WI 53208.

3. The Complaint filed October 8, 2008 alleges that in February and March 2006, while Respondent was employed as a registered nurse (RN) by Covenant Healthcare System, Inc., at St. Joseph Regional Medical Center in Milwaukee, Wisconsin, she diverted controlled substances for her personal use.

4. On April 10, 2006, following an investigation by her employers, Respondent's employment by Covenant Healthcare System, Inc., at St. Joseph Regional Medical Center was terminated based on the alleged theft of narcotics.

5. On April 25, 2006, Respondent became employed as an RN by Brookfield Rehabilitation & Specialty Care (BRSC), a nursing home in Brookfield, Wisconsin.

6. On October 7, 2008, other staff at BRSC suspected Respondent had diverted a resident's card of 40mg oxycontin and a resident's card of 22 Dilaudid. Both drugs are schedule II controlled substances. Police were called and it was reported that Respondent gave untruthful responses to questions and the bubble pack card of Dilaudid with 19 doses remaining were found in Respondent's personal bag.

7. Respondent has not been employed in any capacity since October 7, 2008 and has, on her own initiative, sought counseling.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07.

2. The Wisconsin Board of Nursing has authority to enter into this Stipulation for an Interim Order pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice nursing in the State of Wisconsin is suspended effective the date of this Order.

IT IS FURTHER ORDERED that the suspension shall continue until the Board issues a Final Decision and Order in this matter.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

11/6/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION FOR
LINDA M. GALARZA, R.N.,	:	INTERIM ORDER
RESPONDENT.	:	<u>LS 0810081 NUR</u>

[Division of Enforcement Case #'s 06 NUR 123 & 08 NUR 363]

It is hereby stipulated and agreed, by and between Linda M. Galarza, R.N., Respondent; Robert J. Lightfoot II o Murphy Desmond, S.C., attorneys for Respondent and John R. Zweg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into by the parties for the purpose of obtaining an interim order from the Board in lieu of the Board acting on Complainant's Petition for Summary Suspension which is scheduled to be presented to the Board on November 6, 2008.
2. Respondent has retained legal counsel prior to signing this Stipulation.
3. Respondent agrees to the adoption of the attached Interim Order by the Board. The parties to the Stipulation consent to the issuance of the attached Interim Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Interim Order, if adopted in the form as attached.
4. 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 the consideration of this attempted resolution.
5. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Interim Order.
6. Respondent is informed that should the Board adopt this Stipulation, the Board's Interim Order is a public record and will be published in accordance with standard Department procedure.
7. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Interim Order.

Linda M. Galarza, R.N.	Date
Respondent	
5712 W. Vliet Street, #A	
Milwaukee, WI 53208	

Robert J. Lightfoot II Date
Murphy Desmond, S.C.
Attorneys for Respondent
P.O. Box 2038
Madison, WI 53701-2038

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date