

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 :
: FINAL DECISION AND ORDER
CYNTHIA L. BERNDT, L.P.N., :
RESPONDENT. : LS0909031NUR

Division of Enforcement
06 NUR 153

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Cynthia L. Berndt, L.P.N.
338 N. Franklin St.
Stetsonville, WI 54480

Wisconsin Board of Nursing
1400 E. Washington Ave.
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, Cynthia L. Berndt, L.P.N., Respondent, and Pamela Ms. Stach, attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin 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. Cynthia L. Berndt, L.P.N., 338 N. Franklin Street, Stetsonville. Wisconsin, 54904 (D.O.B. December 19, 1964) is duly licensed in the state of Wisconsin as a Licensed Practical Nurse (license # 28899). This license was first granted on November 26, 1986.
2. On April 4, 2006, a nursing home resident reported that \$480 in cash was missing from envelopes that he kept in his drawer. The resident explained that he had loaned the Respondent \$4,000 in cash, and that the Respondent was paying the resident back \$160 in cash every two weeks. Respondent had given the resident \$480 in cash in three \$160 installments for the repayment of the loan, and it was this cash that had been stolen from the resident.
3. Respondent admitted to stealing the \$480 in cash from the Resident, and that she also had obtained a \$4,000 loan from the resident.
4. On May 30, 2006, Respondent pled no contest and was convicted of theft, a violation of City of Medford ordinance 13.1.01 adopting Wis. Stats. sec. 943.20. Respondent paid a \$375 fine, and repaid both the stolen monies and the total amount of the loan to the resident.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 441.07(1)(b)(c) and (d).
2. The Wisconsin Board of Nursing has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44 (5).
3. Respondent's conduct of stealing monies from a resident and obtaining a loan from a resident constitutes a violation of Wis. Stats. sec, 441.07(1)(d), and Wis. Adm. Code secs. N 7.04(1) and 7.04(12).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Cynthia L. Berndt, L.P.N. is hereby REPRIMANDED.
2. The license of Cynthia L. Berndt, L.P.N. to practice nursing in the State of Wisconsin is LIMITED as follows:
 - a). Within six (6) months from the date of this Order, Respondent shall successfully complete a minimum of nine (9) hours of continuing education in the area of ethics.
 - b). Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Board of Nursing, or its designee, prior to commencement of the programs.
 - c). Within thirty (30) days following completion of each course, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying her attendance at and successful completion of the required courses.
 - d). Respondent is responsible for all costs of the educational programs. Respondent shall not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of her Wis. Stat. §453.062(2)(a) biennial training requirements.
 - e). Respondent shall be prohibited from working as a private duty nurse or in home nursing.
 - f). For a period of at least one (1) year from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
 - g). After a period of at least one (1) year from the date of this Order or after receipt of four quarterly reports from her nursing employer pursuant to paragraph f above whichever is longer, Respondent may petition the Board to have the limitations removed from her license and have her license restored to full unrestricted status. The Board may require a personal appearance by Respondent, in its discretion. The Board may grant or deny Respondent's petition in its discretion.

IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of SEVEN HUNDRED-FIFTY DOLLARS (\$750.) 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

4. In the event Respondent fails to successfully complete the required continuing education, or fails to timely pay costs, as ordered, the Respondent's license (# 28899) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, including any accrued interest.
5. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

9/3/09
Date