

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
WENDI J. MUELLER, R.N.,	:	LS0911055NUR
RESPONDENT.	:	

Division of Enforcement Case # 06NUR018

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

Wendi J. Mueller
1768 17th St.
Monroe, WI 53566

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. Wendi J. Mueller, date of birth 3/12/73, is duly licensed as a registered nurse in the state of Wisconsin, license #137163-30. This license was first granted on 1/9/01.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1768 17th Street, Monroe, Wisconsin 53566.
3. At all times relevant to this action, Respondent was working as a registered nurse in the state of Wisconsin.
4. On 4/28/05, Respondent was convicted on pleas of guilty to 3 counts of violating Wis. Stat. § 943.20(1)(d), a misdemeanor, for obtaining the property of another by intentionally deceiving the person with a false representation, which she knew to be false, made with intent to defraud and which did defraud the person to whom the false representations were made. The events which resulted in these convictions occurred between 3/12/04 and 8/12/04. Respondent filed false claims with the Wisconsin Medicaid program contending that she had provided home health care nursing services to a patient when, in fact, she had not rendered said nursing services.
5. Respondent was placed on probation for a period of 2 years. Under the terms of her probation, Respondent was required to make restitution in the amount of \$7,375.00 and was not permitted to work in any position of employment where she would be participating in direct billing to Medicare or Medicaid. Respondent successfully completed her probation.
6. The conduct described in paragraph 4 and the convictions resulting were substantially related to Respondent's practice as a registered nurse.

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 of the Findings of Fact constitutes a violation of Wis. Stat. § 441.07(1)(d) and Wis. Admin. Code § N 7.04(1).
3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Wendi J. Mueller to practice as a registered nurse in the state of Wisconsin is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Wendi J. Mueller shall, within 90 days from the date of this Order, pay costs of this proceeding in the amount \$1,305.80. 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

3. In the event Wendi J. Mueller fails to pay costs as ordered, Wendi J. Mueller's license # 137163-30 SHALL BE SUSPENDED without further notice or hearing until Wendi J. Mueller has complied with the terms of this Final Decision and Order.

4. This Final Decision and Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

11/05/09
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: STIPULATION
WENDI J. MUELLER, R.N., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 06NUR018

It is hereby stipulated between Wendi J. Mueller; 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 Wendi J. Mueller's licensure by the Division of Enforcement, case #06NUR018. Wendi J. Mueller consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Wendi J. Mueller 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. Wendi J. Mueller has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Wendi J. Mueller 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. Wendi J. Mueller 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 a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Wendi J. Mueller 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. Wendi J. Mueller understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board which may be construed by the Board as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. Wendi J. Mueller will not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Wendi J. Mueller 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 Wendi J. Mueller in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Wendi J. Mueller
1768 17th St.

Date

Monroe, WI 53566

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