

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 |
| LAURA J. FEICHTNER. (a/k/a DIMMER), R.N. | : | LS09120315NUR |
| RESPONDENT. | : | |

[Division of Enforcement Case # 09 NUR 097]

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

Laura J. Feichtner, R.N.
4514 25th Avenue
Kenosha, WI 53140

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

On November 19, 2009, a Notice of Presentation of Petition for Summary Suspension and Petition for Summary Suspension scheduled for December 3, 2009, were filed and served on Respondent. 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Laura J. Feichtner, L.P.N., Respondent, who is also known as Laura Dimmer, date of birth August 2, 1973, is licensed by the Wisconsin Board of Nursing as a registered nurse pursuant to license number 138267, which was first granted July 12, 2001.

2. Respondent's last address reported to the Department of Regulation and Licensing is 7011 38th Avenue, Kenosha, WI 53142. In an October 12, 2009 fax responding to inquiries by a Division investigator, Respondent said that she had remarried in May 2009 and her new name is Laura Dimmer and she resides at 4514 25th Avenue, Kenosha, WI 53140. Respondent has not reported this purported name and address change to the Department in the manner required by statute.

COUNT I

3. Respondent was employed as a registered nurse at Aurora Medical Center in Kenosha and was working on the OB unit on Sunday October 26, 2008. Respondent called the CVS Pharmacy in Kenosha and said she was a nurse on the OB unit and was calling in a prescription by Dr. Parks for 60 tablets of Norco (acetaminophen and hydrocodone a schedule III controlled substance) for a patient named Laura Feichtner. When the pharmacist asked the name, of the person who was calling, Respondent said her name was Lauren Sams. Dr. Parks did not authorize the prescription Respondent called in to the CVS Pharmacy and Respondent was attempting to obtain a controlled substance by fraud.

4. The pharmacist questioned the validity of the prescription and it was reported to Aurora's security that same day. An investigation was conducted and Respondent falsely denied calling in the prescription for herself. Respondent's statement differed from what the pharmacist and another registered nurse on the unit said occurred. It was also inconsistent with the relevant medical records.

COUNT II

5. On April 28, 2009, May 12, 2009 and May 19, 2009 Respondent called the ShopKo Pharmacy in Kenosha and falsely stated that she was a nurse employed by Dr. Anita Inveiss and she was calling in prescriptions for a patient, Laura Feichtner. The prescriptions were for hydrocodone (schedule III controlled substance), lorazepam (schedule IV controlled substance) and lorazepam, respectfully. Respondent picked up the medications after the prescriptions were filled. Respondent never worked with Dr. Inveiss and was never her patient. Dr. Inveiss never authorized the prescriptions.

6. On May 19, 2009, the pharmacist called the police who questioned Respondent after she picked up the lorazepam. Respondent signed a written statement to the police that falsely said she was Dr. Inveiss's patient and the doctor had authorized the prescriptions. Respondent was arrested that day.

7. On June 23, 2009, Respondent was charged in Kenosha County Circuit Court case number 09CM01114, with three counts of obtaining a prescription drug by fraud and one count of possession of a controlled substance, all misdemeanors. On October 20, 2009, Respondent pled guilty to one count of obtaining a prescription drug by fraud and the other three counts were dismissed but read in for sentencing. The court placed Respondent on 6 months of probation with conditions.

COUNT III

8. On July 30, 2009, a Division investigator wrote to Respondent and asked her, to provide her version of the events that occurred on October 26, 2008 (Count I). On August 17, Respondent called the investigator and told him she would respond by August 25. No response was received and on September 1 the investigator left a voice mail message asking why. The next day, Respondent left a voice mail message that her child was to have mailed the response and she would send another. No response was received and on October 5, the investigator wrote to Respondent again.

9. In an October 12, 2009 fax responding to the Division investigator's inquiry, Respondent intentionally provided false statements about what had occurred on October 26, 2008 and falsely denied calling in the prescription for herself.

ALL COUNTS

10. Respondent wrote to the Division investigator on October 12, 2009 that she does not have a substance abuse problem.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out in Counts I and II, has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by having been convicted of obtaining a prescription drug by fraud as set out in Count II, has violated a law substantially related to the practice of professional nursing and committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

4. Respondent, by intentionally providing false information in response to inquiries made by the Division investigator while he was performing an investigation for the Board has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(intro) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. Laura J. Feichtner's license as a registered nurse in the state of Wisconsin is hereby REVOKED.
2. If Respondent ever makes application to the Board for any license:
 - a. Whether to grant a license and whether to impose any limitations or restrictions on any license that may be granted shall be in the discretion of the Board.
 - b. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$960.00 pursuant to Wis. Stat. § 440.22(2).
3. Payment of costs shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264
4. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

12/3/09
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|--|---|--------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | STIPULATION |
| LAURA J. FEICHTNER (a/k/a DIMMER), R.N., | : | LS _____ NUR |
| RESPONDENT. | : | |

[Division of Enforcement Case # 09 NUR 097]

It is hereby stipulated and agreed, by and between Laura J. Feichtner, R.N., Respondent; and John R. Zwieg, attorney for the Complainant, 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.

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 advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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 the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 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.

Laura J. Feichtner, R.N.
4514 25th Avenue
Kenosha, WI 53140

Date

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

Date