

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Before The  
State Of Wisconsin  
BOARD OF NURSING

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In the Matter of the Disciplinary Proceedings  
Against **MELINDA J. JULEEN, L.P.N.**,  
Respondent

FINAL DECISION AND ORDER  
LS0910061NUR

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Division of Enforcement Case No. 06 NUR 303

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on 3/25/10.

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Member  
Board of Nursing



Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS

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In the Matter of the Disciplinary Proceedings  
Against **MELINDA J. JULEEN, L.P.N.**,  
Respondent

**PROPOSED DECISION AND ORDER**  
DHA Case No. DRL-09-0102

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Division of Enforcement Case No. 06 NUR 303

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

Melinda J. Juleen  
2077A 250th Avenue  
Luck, WI 54853

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

Board of Nursing  
P. O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

The *Complaint* in this matter was filed on October 6, 2009. On the same date, the *Complaint* and *Notice of Hearing* were sent to the respondent at her address of record with the Wisconsin Department of Regulation and Licensing (DRL). The Notice of Hearing stated that Respondent was required to file an Answer to the Complaint within 20 days, failing which "you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence and the Wisconsin Board of Nursing may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing."

DRL served the Respondent with the *Complaint* and *Notice of Hearing* by both certified U.S. Mail and regular first class U.S. Mail using Respondent's address of record with DRL. DRL was notified that the copy that had been mailed by Certified Mail, Return Receipt

Requested had been delivered to the Respondent's last known address on October 8, 2009. The copy that had been mailed by first-class mail was not returned to DRL as undeliverable.

Respondent never filed an Answer or otherwise responded to DRL's *Complaint* and *Notice of Hearing*. This matter was noticed for prehearing conference by this Division on November 24, 2009. The respondent did not respond to the notice and did not make herself available for the prehearing conference.

On December 2, 2009, DRL mailed to Respondent by regular U.S. Mail at her DRL address of record a *Motion for Default*. Respondent has not responded to the motion.

### **Findings of Fact**

1. Melinda J. Juleen, L.P.N., ("Respondent") was born on October 24, 1980, and is licensed as a practical nurse in the state of Wisconsin pursuant to license number 305083. This license was first granted on August 21, 1998, and expired on April 30, 2007.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2077A 250th Avenue, Luck, Wisconsin, 54853.

3. At all times relevant to this proceeding, Respondent was working as a practical nurse at Frederic Nursing and Rehabilitation Community, Frederick, Wisconsin.

4. On July 28, 2006, LPN L placed a new bottle, with an unbroken seal, of liquid potassium on the medication cart. LPN L also left a second, opened bottle of liquid potassium that contained about 10ml of liquid potassium. Patient LA had a physician's order to receive 15ml of liquid potassium daily. Respondent was the LPN in charge of administering medications to Patient LA during the entire weekend, which included July 29, and 30, 2009.

5. When LPN L returned to work on Monday July 31, 2006, the bottle of liquid potassium was still on the cart with an unbroken seal. However, a bottle of calcium supplement had been ordered from the pharmacy, opened, and used. The patient medical record showed that Respondent had given 15ml of liquid potassium to patient LA on both July 29 and 30, 2009. The Director of Nursing questioned Respondent asking what Respondent had given patient LA all weekend, and Respondent pointed to the bottle of calcium supplement, which Respondent had administered to Patient LA instead of the physician ordered liquid potassium.

6. Respondent charted that she had given patient PJ four doses of Cipro over the weekend on July 29 and 30, 2009, but no Cipro had come from the pharmacy that weekend, and no one had signed out any Cipro from the contingency stock that weekend.

7. Respondent admitted that she had not administered any Cipro to Patient PJ, but she did not offer any kind of explanation as to why she had charted that she had administered four doses of Cipro to Patient PJ, when in fact, she hadn't administered any doses of Cipro to Patient PJ.

8. On August 2, 2006, Respondent was terminated from her position at Frederic Nursing Home.

9. On February 23, 2009, DRL Investigator Susan Swain sent a letter to Respondent asking Respondent to provide a written response to the allegations.

10. On March 23, 2009, DRL Investigator Susan Swain sent a second letter to Respondent asking Respondent to provide a written response to the allegations. The letter also informed Respondent that if she did not provide the requested information by April 6, 2009, then she would either be subpoenaed to Madison to be questioned under oath or a disciplinary complaint would be filed and issued. This letter was sent to the Respondent via Certified Mail and via regular U.S. mail. The Certified Mail letter was marked "unclaimed" and returned to DRL on April 13, 2009.

11. As of July 10, 2009, Respondent has not responded to any of these requests in any way.

12. The costs to DRL of this proceeding amount to \$1008.83.

### Conclusions of Law

1. Respondent's conduct of failing to administer medications to patients as ordered by a physician constitutes a violation of Wis. Admin. Code § N 7.03(1)(d).

2. Respondent's conduct of falsifying and altering patient medical records to show that medications had been administered to patients, when in fact, they had not been administered to patients, constitutes a violation of Wis. Admin. Code § N 7.04(6).

3. Respondent's conduct of repeatedly refusing to cooperate with the Board of Nursing's investigation of Respondent's conduct constitutes a violation of Wis. Admin. Code § N 7.04.

4. Respondent is in default with regard to this matter and an order may be entered without further hearing or proceeding.

### Order

For the reasons set forth above, IT IS ORDERED that the license of Respondent to practice nursing in the State of Wisconsin and her right to practice nursing under the Interstate Compact on Nursing be and is hereby **indefinitely suspended**.

IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter, in an amount to be established pursuant to law. After the amount is established payment

shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing ["DRL"] and sent to:

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

IT IS FURTHER ORDERED that this file be and hereby is closed as to Respondent.

Dated at Madison, Wisconsin on February 5, 2010.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 264-9885

By: \_\_\_\_\_



Patrick T. Currie  
Administrative Law Judge