

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

REBECCA S. GAWLIK, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER

Order 0000226

[Division of Enforcement Case # 10 NUR 004]

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

Rebecca S. Gawlik, L.P.N.
257 Washington Avenue
Stevens Point, WI 54481

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Rebecca S. Gawlik, L.P.N., Respondent, date of birth December 22, 1985, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 310122, which was first granted August 6, 2008.
2. Respondent's last address reported to the Department of Regulation and Licensing is 257 Washington Avenue, Stevens Point, WI 54481.
3. During the time of the events set out below, Respondent was employed as a licensed practical nurse at Strawberry Lane Medical & Rehab (facility), a nursing home in Wisconsin Rapids, Wisconsin. Respondent worked the pm shift on December 22, 2009.

4. At approximately 12:30 a.m. on December 23, 2009, the on-call nurse notified the Director of Nursing (DON) that there was a discrepancy with the narcotic count, specifically liquid morphine, a Schedule II controlled substance. The count showed that 16.5 mls were unaccounted for.

5. The DON directed the night nurse who did the narcotic count and the two pm nurses, one of whom was Respondent, to have a drug urine screen done. Both pm nurses had to be called to return to the facility. Respondent was reluctant to return, admitting that she had consumed some alcohol and smoked some "pot" since she left her shift.

6. None of the nurses tested positive for morphine but Respondent tested positive for tetrahydrocannabinol (THC), the active ingredient in marijuana, which is a Schedule I controlled substance.

7. Respondent had never been noted to be impaired while at work but because the facility has a "no tolerance" policy, Respondent's employment was terminated on December 23, 2009.

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. Respondent, by obtaining and using a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out above, 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).

ORDER

IT IS ORDERED:

1. Respondent, Rebecca S. Gawlik, L.P.N., is REPRIMANDED for the above conduct.

2. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nurse Licensure Compact, is LIMITED as follows:

a. At any time within one (1) year from the date of this Order, Respondent shall, upon request of the Board or its designee, or the Department, or an investigator thereof (including a law enforcement officer, acting at the request of the Board or its designee, the Department, or an investigator thereof), submit a sample of Respondent's blood, urine, breath, and/or hair (as designated by the requesting person) for analysis.

b. During the pendency of this Order and any subsequent related Orders, Respondent may not practice in another state pursuant to the Nurse Licensure Compact under the authority of a Wisconsin license, unless Respondent receives prior

written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$100.00, pursuant to Wis. Stat. § 440.22(2).

4. Any payments, reports and other correspondence shall be mailed, faxed 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
Fax (608) 266-2264
Telephone (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

6/3/10
Date