

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
	:	
MARY E. LICHTENWALNER, R.N.,	:	Order <u>0000295</u>
RESPONDENT.	:	

Division of Enforcement Case #09 NUR 255

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

Mary E. Lichtenwalner
209 Joellen Dr.
Waukesha, WI 53188

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

Department of Regulation and Licensing
Division of Enforcement
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. 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. Mary E. Lichtenwalner (D.O.B. 12/10/73) is duly licensed in the state of Wisconsin as a professional nurse (license # 147853). This license was first granted on 7/29/04.
2. On 7/18/09, and while on duty as a hospice nurse, Respondent took and carried away two credit cards from a purse belonging to a member of the patient's family, and later used them to purchase items for her personal use, of value less than \$1,000, all with intent to permanently deprive the owner of the credit cards of possession thereof (including the value of the items charged to the account), and without consent.

3. Respondent was, on 5/12/10, criminally convicted of a misdemeanor in the Circuit Court for Waukesha County with violating Wis. Stat. § 943.41(3)(a), growing out of the incident described in paragraph 2, above. She was sentenced to 6 months in jail, but that sentence was stayed and she was placed on probation for one year, on condition that she pay costs, perform 25 hours of community service, and spend 30 days in jail during non-working hours (which condition was also stayed). She has made full restitution to the victim in this matter.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b) and (d), and Wis. Adm. Code § N 7.04(1) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Mary E. Lichtenwalner, R.N., is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED that the license of Respondent to practice as a nurse in the State of Wisconsin is LIMITED as follows:

- 1) Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting. Respondent's current work setting as a salaried nurse providing direct care to employees (and their immediate families) of an insurance company, is approved.
- 2) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- 3) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
- 4) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- 5) Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than two years of active practice as a nurse following the completion of the suspension imposed, above. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
- 6) Any requests, petitions, reports and other information required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

IT IS FURTHER ORDERED, that 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.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$350, within 120 days of this Order. If not paid, Respondent's license shall be SUSPENDED without further notice or hearing, until they are paid in full, together with any accrued interest.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

7/22/10
Date