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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

MARIA A. MIHALIK, R.N.,
RESPONDENT.

ORDER 0000460

Division of Enforcement Case #10 NUR 195

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

Maria A. Mihalik
3204 N. 21st St.
Superior, WI 54880

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. Maria Anne Mihalik, f/k/a Sedlachek (dob: 7/7/83) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #148272. This license was first granted 6/24/04. At the time described below, Respondent had "border state recognition" to practice in Minnesota without obtaining a Minnesota license; she is not licensed in any other jurisdiction.

2. On 5/11/10, Respondent was arrested by Coon Rapids, Minnesota, Police while running away from Mercy Hospital, in Coon Rapids. Respondent was dressed in scrubs. Upon apprehension, she was found to be in possession of several syringes filled with a clear liquid; upon analysis, the liquid was found to contain morphine, a Schedule II controlled substance for which Respondent did not have a prescription or other authorization to possess. Respondent had

represented herself to staff at the hospital as a nursing student; in fact she is not a nursing student, and was not employed at Mercy Hospital, nor did she have any legitimate business at Mercy Hospital. Upon investigation, the IV bags of three patients at the hospital, which contained narcotics, had been punctured, apparently with a syringe needle. Coon Rapids is approximately 150 miles from Respondent's address of record.

3. Following an evaluation at the Center for Alcohol and Drug Treatment, Duluth, Minnesota, Respondent was diagnosed with opioid dependence.

4. On May 17, 2010, the Minnesota Board of Nursing issued a Cease and Desist order, prohibiting Respondent from practicing in Minnesota under that state's Border State Recognition procedure.

CONCLUSIONS OF LAW

A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(b),(c), and (d), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

B. The conduct described in pars. 2-3, above, violated Wis. Stat. § 441.07(1)(c) and Wis. Adm. Code §§ N 7.03(2) and 7.04(1), (2), (4), (12), and (15). The conduct described in par. 4, above, violated Wis. Adm. Code N 7.04(7). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

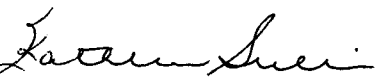
ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order, the license to practice nursing of Maria A. Mihalik, R.N., is REVOKED. Respondent shall not practice nursing in Wisconsin, including under the Nurse Licensure Compact, without a Wisconsin license.

IT IS FURTHER ORDERED, that the Costs of this matter, in the amount of \$550, are waived.

Wisconsin Board of Nursing

By: 
A Member of the Board

10-14-10
Date

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