

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ARON W. FENNELL, L.P.N.,	:	
RESPONDENT.	:	ORDER 0000748

Division of Enforcement Case # 10 NUR 480

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

Aron W. Fennell, L.P.N.
734 W. Macarthur Ave.
Eau Claire, WI 54701

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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Aron W. Fennell, L.P.N., (DOB 09/07/1982) is licensed as a practical nurse in the State of Wisconsin (license # 31-313141). This license was first granted on August 23, 2010.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 734 W. Macarthur Avenue, Eau Claire, Wisconsin, 54701.

3. On or about June 21, 2010, Respondent applied for his Wisconsin LPN license. On his application form, he disclosed a pending criminal charge for operating while intoxicated.

4. On or about August 16, 2010, Respondent was charged with battery and bail jumping, relating to an incident on July 6, 2010. He did not amend his application for licensure to disclose those additional pending criminal charges.

5. Respondent was granted his license on August 23, 2010.

6. Respondent was convicted of the operating while intoxicated charge in October of 2010, and was convicted as well for battery and bail jumping. He did not disclose any of those convictions to the Board as required by Wis. Admin. Code § RL 4.09.

7. The facts underlying the battery and bail jumping charges were that Respondent hit another man in the head with a beer bottle during a bar fight.

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. The conduct described in paragraphs 3-6 above constitutes a violation of Wisconsin Administrative Code § RL 4.09 and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(b).

3. The conduct described in paragraph 7 above constitutes a violation of Wisconsin Administrative Code § N 7.04(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Aron W. Fennell, L.P.N., is REPRIMANDED.

2. The license of Aron W. Fennell, L.P.N., to practice nursing in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- (a) Within ninety (90) days of the date of this Order, Respondent, at his own expense, shall undergo a psychological evaluation with a mental health practitioner experienced in anger management.

i. The evaluator must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.

ii. The Division shall provide the evaluator and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent may provide the evaluator with any information Respondent believes will be of assistance in performing the evaluation and shall immediately provide copies of that information to the Division.

iii. Respondent shall authorize the evaluator to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluator.

iv. The Board may limit Respondent's license in any manner it sees fit to address any recommendations resulting from the evaluation. In the event that the evaluator is of the opinion that Respondent cannot safely practice nursing, the board may suspend Respondent's license until such time as Respondent proves she is capable of safely practicing nursing.

- (b) For a period of at least two (2) years from the date of this order, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, agency or pool position.
- (c) For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance.
- (d) Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

- (e) Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within ninety (90) days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Two Hundred Dollars (\$200.00) pursuant to Wis. Stat. § 440.22(2).

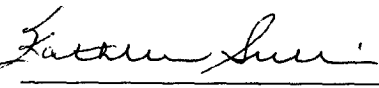
4. All petitions, payments, reports and other correspondence shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
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: 
A Member of the Board

3-24-11
Date