

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
DOREEN L. HERNANDEZ, L.P.N., : FINAL DECISION AND ORDER
RESPONDENT. : *ORDER 0001991*

Division of Enforcement Case No. 12NUR141

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

Doreen L. Hernandez, L.P.N.
3101 E. Adams Avenue #1
Cudahy, WI 53110

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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. Doreen L. Hernandez, L.P.N., (DOB 06/17/1954) is licensed as a practical nurse in the State of Wisconsin (license no. 30993-31). This license was first granted on November 22, 1991.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 3101 E. Adams Avenue #1, Cudahy, WI 53110. Upon information and belief, Respondent currently resides at 4309 W. Oklahoma Avenue, Milwaukee, WI 53219.

3. On August 4, 2011, Respondent was charged in Waukesha County Case Number 2011CM001538 with three counts of Present/Cause a Fraudulent Insurance Claim <=\$2500, a class A misdemeanor.

4. The charges were based on Respondent having submitted 83 false insurance claims representing that she had provided services to a Medicaid recipient between July 20, 2009 and February 17, 2010. The 83 claims amounted to \$17,944.00.

5. On October 28, 2011, Respondent was found guilty of all three counts and ordered to the following:

- a. 2 years probation, sentence withheld;
- b. Payment of restitution in the amount of \$19,146.11 and other fines/fees;
- c. 45 days jail time in Huber with release for work and treatment;
- d. Maintain full-time employment and/or combination of school;
- e. Follow through with any treatment and/or counseling recommended by Agent;
- f. Abstain from future conduct.

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 3-5 above constitutes a violation of Wis. Admin. Code §§ N 7.04(1) and (13), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. The license of Doreen L. Hernandez, L.P.N. to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are SUSPENDED for ninety days.

2. The license of Doreen L. Hernandez, L.P.N. to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in nursing ethics, within 90 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the board's meeting schedule. Respondent shall provide proof of completion of the continuing education to the Department Monitor.
- b. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
- c. 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.
- d. 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.
- e. 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.
- f. 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. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Respondent shall, within 120 days of the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of Four Hundred Dollars (\$400.00), pursuant to Wis. Stat. § 440.22(2).

5. All petitions, payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, Respondent's license (no. 30993-31) 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.

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

Wisconsin Board of Nursing

By:

Julie Nelson, RN
A Member of the Board

Date

8/16/12