

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

JOANN E. SAUNDERS, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0002759

Division of Legal Services and Compliance¹ Case No. 13 NUR 095

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

Joann E. Saunders, R.N.
3179 Spruce Street
Racine, WI 53403

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Joann E. Saunders, R.N., (dob September 27, 1958) is licensed in the State of Wisconsin as a professional nurse, having license number 83482-30, first issued on September 23, 1982 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3179 Spruce Street, Racine, Wisconsin 53403.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On January 31, 2013, the State of Nebraska Department of Health and Human Services, Division of Public Health, entered an order censuring Respondent's license to practice nursing in the State of Nebraska based on the following facts:

- a. From about May 2011 to September 2011, Respondent was a traveling nurse in Rhode Island.
- b. In September 2011, Respondent had administered a partial controlled substance dose to a patient, in Rhode Island, but another nurse was not available to waste the remaining controlled substance. Respondent became busy at work, went home and discovered the vial containing the remaining dose of the controlled substance. Respondent immediately contacted her Rhode Island supervisor who stated they would waste the remaining dose the following day. The following day, Respondent's last day on assignment in Rhode Island, both Respondent and the supervisor were busy during their shift working with a code and, again, forgot to waste the medication. Respondent forgot about the partial controlled substance vial in her possession.
- c. On October 12, 2011, Respondent was working as a traveling nurse in a Scottsbluff, Nebraska emergency room (ER), under her Wisconsin nursing license.
- d. On October 12, 2011, Respondent was questioned regarding theft at the Scottsbluff ER. During investigation the partial dose of a controlled substance was found in Respondent's car.
- e. On October 12, 2011, Respondent was charged with possession of a controlled substance in Scottsbluff County District Court.
- f. Respondent's Rhode Island supervisor testified at the Nebraska hearing confirming facts outlined above and Respondent voluntarily entered the Scotts Bluff County Diversion Program (Diversion Program). On February 6, 2012, Respondent was released from the Diversion Program due to successful completion of the terms of the program and Scotts Bluff County District Court charges were dismissed.

3. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Joann E. Saunders, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7) by having disciplinary action through final board adjudication taken against one's license in another jurisdiction.

3. As a result of the above conduct, Joann E. Saunders, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Joann E. Saunders, R.N., is REPRIMANDED.

3. Within 120 days from the date of this Order, Joann E. Saunders, R.N., shall pay COSTS of this matter in the amount of \$650.00.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 83482-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

11/17/2013
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOANN E. SAUNDERS, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0002759

Division of Legal Services and Compliance¹ Case No. 13 NUR 095

Respondent Joann E. Saunders, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

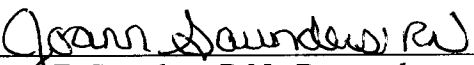
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

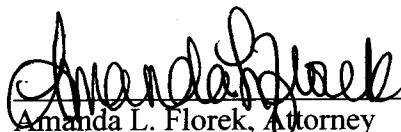
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Joann E. Saunders, R.N., Respondent
3179 Spruce Street
Racine, WI 53403
License no. 83482-30

10-21-2013
Date


Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

10/23/13
Date