

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

VANESSA R. WAGNER, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **0002935**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 061

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

Vanessa R. Wagner, R.N.  
132 West 2<sup>nd</sup> Street, Apartment 9  
Black River Falls, WI 54615

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 Vanessa R. Wagner, R.N., (dob November 22, 1966) is licensed in the State of Wisconsin as a professional nurse, having license number 116087-30, first issued on March 25, 1994 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 132 West 2<sup>nd</sup> Street, Apartment 9, Black River Falls, Wisconsin 54615.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a nursing and rehabilitation center (Center), located in Black River Falls, Wisconsin.

3. On October 4, 2010, Respondent pled guilty to operating while under the influence – 4<sup>th</sup>, in violation of Wis. Stat. § 346.63(1)(a). Respondent failed to report her 2010 conviction to the Department of Safety and Professional Services.

4. On or about January 16, 2013, Patient A pressed her call light because her nebulizer treatment needed to be refilled. Respondent responded to the call light and made the following comments:

- a. “I’ve been a nurse for 20 years, what have you done with your life in the past 20 years?”
- b. Respondent stated she had seen Patient A drunk in local bars on numerous occasions; and,
- c. “Start doing things for yourself.”

5. On or about January 18, 2013, Patient A asked Respondent to use the phone. Respondent replied, “Why would I care? You do what you want to do.”

6. After the January 18, 2013 encounter with Respondent, staff saw Patient A looked upset.

7. On or about January 18, 2013, Respondent called Patient A a princess on numerous occasions.

8. On or about January 18, 2013, Patient A asked Respondent for more water. Respondent screamed, “Why did you not have the AM people do it for you? You always make the PM people do all the work. It’s time you started doing stuff yourself around here.”

9. Patient A stated she was scared of Respondent. Respondent was terminated from employment.

10. 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, Vanessa R. Wagner, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.04(4) by abusing a patient by any single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury, or mental anguish or fear.

3. By the conduct described in the Findings of Fact, Vanessa R. Wagner, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.04, not otherwise specified, by failing to report a conviction to the Department within 48 hours after entry of judgment, as required by Wis. Stat. § 440.03(13)(am).

4. As a result of the above conduct, Vanessa R. Wagner, 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 Vanessa R. Wagner, R.N., is REPRIMANDED.

3. The professional nurse license issued to Vanessa R. Wagner, R.N., (license number 116087-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of righting a wrong: ethics and professionalism in nursing and three (3) hours of education on patient's rights offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Vanessa R. Wagner, R.N., shall pay COSTS of this matter in the amount of \$400.00.

5. Request of approval of courses, proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

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 Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 116087-30) 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 and submit proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by:

1/9/14  
A Member of the Board

Julia Nelson, RN

Date

1/9/14

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

VANESSA R. WAGNER, R.N.,  
RESPONDENT.

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:  
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STIPULATION

0002935

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 061

Respondent Vanessa R. Wagner, 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.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

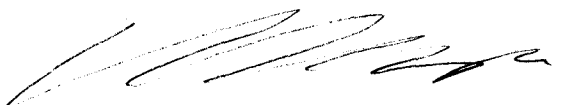
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

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



Vanessa R. Wagner, R.N., Respondent  
132 West 2<sup>nd</sup> Street, Apartment 9  
Black River Falls, WI 54615  
License no. 116087-30

12-12-13  
Date



Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

12/17/13  
Date