

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

LEONA M. RAPPA, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003209

Division of Legal Services and Compliance Case Nos. 10 NUR 478, 11 NUR 233, 13 NUR 238

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

Leona M. Rappa, L.P.N.
6319 East State Highway 50
Lake Geneva, WI 53147

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Leona M. Rappa, L.P.N., (dob April 15, 1956) is licensed in the State of Wisconsin as a practical nurse, having license number 31027-31, first issued on November 22, 1991 and current through April 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6319 East State Highway 50, Lake Geneva, Wisconsin 53147.

2. On October 6, 2011, the Board imposed discipline on Respondent's practical nursing license in Division of Enforcement Case Nos. 10 NUR 478 and 11 NUR 233. This Order suspended Respondent's license indefinitely and imposed limitations based on the following facts:

- a. Respondent left the medication room door open;
 - b. Respondent failed to document properly;
 - c. On several occasions Respondent slept during her shift;
 - d. Respondent failed to notify the nursing home administrator that a patient fell and failed to assess the patient;
 - e. Respondent delayed administering PRN medication;
 - f. Respondent enrolled in the Impaired Professionals Procedure (IPP), now known as Professional Assistance Program (PAP), for ingesting cocaine in 2006 without a medical purpose or prescription; and
 - g. Respondent was dismissed from IPP for non-compliance.
3. Respondent continued to practice nursing after the Order was issued, mistakenly believing that the suspension had been immediately stayed.
4. On December 12, 2012, Respondent self-reported to the Department that she was working as a nurse while her practical nursing license was suspended, however, that fact went un-noticed at the time. Respondent continued to practice as she had been.
5. On March 30, 2013, again Respondent self-reported to the Department Monitor that she was working as a nurse at which time her practical nursing license was still suspended. As of that time, Respondent had submitted two self reports, completed the education requirement, paid the investigative costs and submitted one AA/NA report. Therapy reports were timely filed.

AODA Assessments

6. An AODA assessment from January 9, 2012, was submitted to the Department which showed the following:
- a. Respondent was in treatment at Aro Behavioral Services from 2006 through 2010;
 - b. Respondent has learned what triggered her use;
 - c. Respondent has learned relapse prevention, coping and relaxation skills;
 - d. WI-UPC results indicated Respondent did not require treatment;
 - e. CAGE results were negative for alcohol problems, and the Alcohol Screening Device results indicated Respondent is not likely to have an alcohol abuse or dependence disorder;

- f. The evaluator diagnosed Respondent with adjustment disorder with mixed mood; and
 - g. A drug or alcohol abuse diagnosis was not warranted and the evaluator did not recommend any additional treatment or services.
7. On January 14, 2014, another AODA assessment was completed which showed the following:
- a. There is no justification for any changes in Respondent's diagnosis of adjustment disorder with mixed mood;
 - b. Respondent has met previous objectives and goals of being clean and sober and maintaining progress; and
 - c. The evaluator did not have any other recommended treatment or services.
8. 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, Leona M. Rappa, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(14) by violating any term, provision or condition of any order of the Board.
- 3. As a result of the above conduct, Leona M. Rappa, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

ORDER

- 1. The attached Stipulation is accepted.
- 2. This order shall supersede the previous order dated October 6, 2011 in Division of Enforcement Case Nos. 10 NUR 478 and 11 NUR 233.
- 3. Respondent Leona M. Rappa, L.P.N., is REPRIMANDED.
- 4. Within 120 days from the date of this Order, Leona M. Rappa, L.P.N., shall pay COSTS of this matter in the amount of \$550.00.
- 5. Payment of 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 7190, Madison, WI 53707-7190
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, Respondent's license (no. 31027-31) 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.

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

WISCONSIN BOARD OF NURSING

by:

Julia Nelson, RN
A Member of the Board

Date

5/8/14

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LEONA M. RAPPA, L.P.N.,
RESPONDENT.

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:
:

STIPULATION

0003209

Division of Legal Services and Compliance Case No. 13 NUR 238

Respondent Leona M. Rappa, L.P.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.

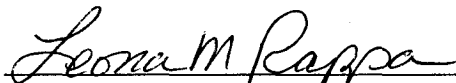
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

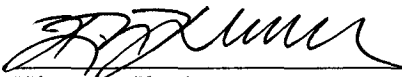
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Leona M. Rappa, L.P.N., Respondent
6319 East State Highway 50
Lake Geneva, WI 53147
License no. 31027-31

3-24-14
Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

4/2/14
Date