

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

LEAH VAN THIEL, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003311

Division of Legal Services and Compliance Case No. 14 NUR 146

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

Leah Van Thiel, L.P.N.
800 N Cambridge Dr.
Appleton, WI 54915

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 Leah Van Thiel, L.P.N., (dob June 30, 1958) is licensed in the State of Wisconsin as a practical nurse, having license number 22872-31, first issued on June 6, 1980 and current through April 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 800 North Cambridge Drive, Appleton, Wisconsin 54915.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a nursing home (Home), located in Appleton, Wisconsin.

3. On February 22, 2014, Respondent and a CNA were administering insulin to Resident A.

4. Resident A is a dementia patient who has a fear of needles. Resident A's care plan calls for a CNA to distract Resident A by "hugging" her while a nurse administers the insulin.

5. While administering the insulin, Respondent accidentally poked the assisting CNA in the finger, bending the needle.

6. Respondent bent the needle back, with an alcohol pad, and administered the insulin to Resident A using the same syringe and needle that poked the CNA.

7. The Director of Nursing ordered the CNA and Resident A to have blood work completed. Results were negative for Hepatitis and HIV for both the CNA and Resident A. Resident A showed no signs of infection at the injection site in the following days.

8. As a result, Respondent was immediately escorted from the building and terminated.

9. In Respondent's April 10, 2014 response to the Department, Respondent explains she should have used a new needle.

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, Leah Van Thiel, L.P.N., violated Wis. Admin. Code. § N 7.03(1)(b), by an act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.

3. As a result of the above violations, Leah Van Thiel, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (c).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Leah Van Thiel, L.P.N., is REPRIMANDED.

3. The professional nursing license issued to Leah Van Thiel, L.P.N., (license number 22872-31) and her 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 shall at her own expense, successfully complete four (4) hours of education on the topic of ethics of nursing 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. The professional nursing license issued to Leah Van Thiel, L.P.N., (license number 22872-31) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Respondent shall provide her nursing employers with a copy of this Order before engaging in any nursing employment.
- b. For a period of at least one (1) year while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
- c. Pursuant to 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.
- d. 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.
- e. After one (1) year of working at least half-time as a nurse, 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.

5. Within 120 days from the date of this Order, Leah Van Thiel, L.P.N., shall pay COSTS of this matter in the amount of \$200.00.

6. Request of approval of courses, proof of successful course completion, work reports and payment of 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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; fails to submit proof of successful completion of the ordered education, as set forth above; or, fails to submit work reports, as ordered, Respondent's license (no. 22872-31) 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, submitted proof of completion of the education and submitted ordered work reports.

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

WISCONSIN BOARD OF NURSING

by:  J. J. Sheehan DNP, APRN
A Member of the Board

7.10.14
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LEAH VAN THIEL, L.P.N.,
RESPONDENT.

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STIPULATION

0003311

Division of Legal Services and Compliance Case No. 14 NUR 146

Respondent Leah Van Thiel, 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.

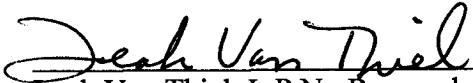
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

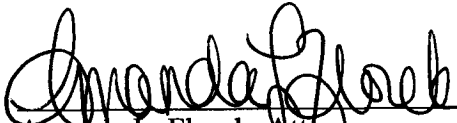
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Leah Van Thiel, L.P.N., Respondent
800 N Cambridge Dr.
Appleton, WI 54915
License no. 22872-31

6-2-14
Date


Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

6/12/14
Date