

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

AUDREY A. ROCKENBACH, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0003784**
:

Division of Legal Services and Compliance Case No. 14 NUR 357

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

Audrey A. Rockenbach, R.N.
1116 170th Ave.
New Richmond, WI 54017

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 Audrey A. Rockenbach, R.N., (dob June 27, 1947) is licensed in the State of Wisconsin as a professional nurse, having license number 192447-30, first issued on August 21, 2012 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1116 170th Avenue, New Richmond, Wisconsin 54017.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse in Minnesota.

OWI Convictions

3. On July 28, 2013, Respondent was charged with operating a motor vehicle while intoxicated (2nd), in violation of Wis. Stat. § 346.63(1)(a), and operating with a prohibited alcohol content (2nd), in violation of Wis. Stat. § 346.63(1)(b).

4. As a condition of her bail, Respondent was to maintain absolute sobriety.

5. On September 14, 2013, Respondent was charged with operating a motor vehicle while intoxicated (3rd), in violation of Wis. Stat. § 346.63(1)(a); operating with a prohibited alcohol content (3rd), in violation Wis. Stat. § 346.63(1)(b); and, bail jumping in violation of Wis. Stat. § 946.49(1)(a).

6. On December 20, 2013, in St. Croix County circuit court case numbers 2013CT234 and 2013CT276, Respondent pled guilty to operating a motor vehicle while intoxicated 2nd and 3rd offenses.

7. Respondent failed to report these convictions to the Department within 48 hours of having been convicted.

Out-of-state discipline

8. On October 8, 2013, Respondent obtained a chemical dependency evaluation, which recommended Respondent attend outpatient chemical dependency treatment.

9. On March 26, 2014, Respondent acknowledged her alcohol use and the convictions in St. Croix County, Wisconsin. Respondent further stated that due to her physical injuries from the motor vehicle accident on September 14, 2013, she is not practicing as a nurse at this time.

10. On June 5, 2014, the Minnesota Board of Nursing (Minnesota Board) suspended Respondent's license to practice nursing due to the convictions in St. Croix County.

Failure to cooperate with a Board investigation

11. On September 9, 2014, the Department sent a request for information pertaining to the Minnesota Board's Order to Respondent's most current address on file with the Department.

12. On September 23, 2014, the Department sent a second request for information pertaining to the Minnesota Board's Order to Respondent's most current address on file with the Department.

13. Respondent failed to respond or provide any information to both requests.

14. 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 paragraphs 3-7, Audrey A. Rockenbach, R.N., violated Wis. Stat. § 440.03(13)(am), by failing to notify the Department within 48 hours after the entry of the judgment of conviction of a felony or misdemeanor.
3. By the conduct described in paragraph 10, Audrey A. Rockenbach, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7)¹, by having disciplinary action through final board adjudication taken against one's license in another jurisdiction.
4. By the conduct described in paragraphs 11-13, Audrey A. Rockenbach, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(c), by failing to cooperate in a timely manner, with the board's investigation of a complaint filed against the license holder.
5. As a result of the violation in paragraph 3, Audrey A. Rockenbach, R.N., is subject to discipline pursuant to Wis. Stat. §§ 441.07(1)(b) and (d)².
6. As a result of the violations in paragraphs 2 and 4, Audrey A. Rockenbach, R.N., is subject to discipline pursuant to Wis. Stat. §§ 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license and privilege of Audrey A. Rockenbach, R.N., (license no. 192447-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.
3. In the event that Respondent petitions the Board of Nursing for reinstatement as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$450.00.
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:

¹ All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

² Wis. Stat. (2011-2012).

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

WISCONSIN BOARD OF NURSING

by:


Judy A. Meek DNP, APNP
A Member of the Board

3-12-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AUDREY A. ROCKENBACH, R.N.,
RESPONDENT.

:
:
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:
:

STIPULATION

0003704

Division of Legal Services and Compliance Case No. 14 NUR 357

Respondent Audrey A. Rockenbach, 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.

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.

Audrey A. Rockenbach
Audrey A. Rockenbach, R.N., Respondent
1116 170th Ave.
New Richmond, WI 54017
License no. 192447-30

2-9-15
Date

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

2/10/15
Date