

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

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

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FINAL DECISION AND ORDER

0003977

Division of Legal Services and Compliance Case No. 15 NUR 042

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

Vanessa R. Wagner, R.N.
132 W. 2nd St., Apt. 9
Black River Falls, WI 54615

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 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 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 132 West 2nd Street, Apartment 9, Black River Falls, Wisconsin 54615.

2. On January 9, 2014, the Board reprimanded Respondent's professional nursing license (Order number 2935). The order required Respondent to complete education within ninety (90) days from the date of the order.

3. Respondent did not complete the required education within the ninety (90) days.
4. On January 30, 2015, a Department Monitor contacted Respondent to discuss the overdue education. During the conversation, Respondent disclosed that she failed to report a new conviction.
5. On November 25, 2014, Respondent pled no contest and was convicted of driving or operating without an owner's consent, in violation of Wis. Stat. § 943.23(3), Jackson County case number 2014CF76. The conviction was based on the following incidents that occurred on April 12, 2014:
 - a. At about 4:00 a.m., Respondent was acting delusional, claiming she saw people in the window and believed law enforcement was spying on her. Because of these behaviors, police took Respondent to her friend's house and released her to her friend's care.
 - b. At about 8:00 a.m., Respondent left her friend's house and stole the motor vehicle that was parked in a driveway across the street from Respondent's friend's residence.
 - c. Respondent believed that people were trying to kill her and an imaginary man was in the back of the vehicle guaranteeing her safety if she paid him \$100,000.00.
 - d. At about 10:00 a.m., Respondent went to her credit union and withdrew \$68,000.00. The bank staff called police because Respondent was acting unusual.
 - e. Police contacted Respondent regarding the above incidents and Respondent admitted that she ingested two (2) lines of methamphetamine two (2) days prior and that she stole the vehicle without owner's consent. During the interview Respondent continued to make unusual statements including that people were watching her and people were telling her to steal vehicles. Because of these statements, Respondent was transported to the hospital.
6. A condition of Respondent's bail was to abstain from any alcohol or drug use.
7. On June 1, 2014, Respondent's son notified law enforcement that he was worried about his mother. He believed she was using drugs or alcohol and she had not returned his calls.
8. On June 5, 2014, law enforcement conducted a welfare check on Respondent. She was found hiding in a back room and admitted to consuming alcohol.
9. As a result, Respondent was arrested and charged with one count of misdemeanor bail jumping and one count of felony bail jumping, in violation of Wis. Stat. § 946.19(1)(a) and (b). Respondent failed to report this conviction to the Board.

10. On June 6, 2014, Respondent underwent a psychological evaluation. Respondent was diagnosed with chemical dependence based on her use of alcohol and other mood altering drugs.

11. On November 24, 2014, Respondent pled no contest and was found guilty of bail jumping, in violation of 946.49(1)(a), Jackson County case number 2014CG97.

12. 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 7.03(1)(h) by failing to notify the board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction or finding.

3. By the conduct described in the Findings of Fact, Vanessa R. Wagner, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § 7.03(1)(g) by violating a term, provision, or condition of any order of the Board.

4. By the conduct described in the Findings of Fact, Vanessa R. Wagner, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § 7.03(8)(e) by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

5. As a result of the above violations, Vanessa R. Wagner, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Vanessa R. Wagner, R.N., (license no. 116087-30) 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.

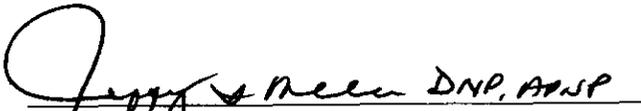
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$700.00.

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

WISCONSIN BOARD OF NURSING

by:  DNP, APRN
A Member of the Board

5-14-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

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

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STIPULATION

0003977

Division of Legal Services and Compliance Case No. 15 NUR 042

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.

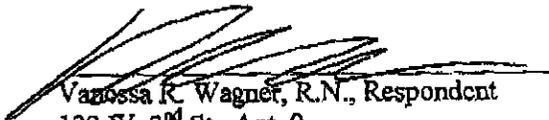
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Vanessa R. Wagner, R.N., Respondent
132 W. 2nd St., Apt. 9
Black River Falls, WI 54615
License no. 116087-30

4-21-15
Date


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

4/22/15
Date