

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :
NICOLE L. JANAK, L.P.N., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
:

0004059

Division of Legal Services and Compliance Case No. 15 NUR 109

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

Nicole L. Janak, L.P.N.
N6660 County Road K
Phillips, WI 54555

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. Licensee Nicole L. Janak, L.P.N., (dob February 11, 1986) is licensed in the State of Wisconsin as a practical nurse, having license number 313076-31, first issued on August 11, 2010 and current through April 30, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N6660 County Road K, Phillips, Wisconsin 54555.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at an assisted living facility (Facility), located in Park Falls, Wisconsin.

3. Resident A had a history of hematuria and an indwelling Foley® catheter for several years.

4. Respondent was responsible for placing and removing the catheter.

5. Resident A was known to pull at the catheter which would cause leakage and discomfort.

6. On July 16, 2014, Respondent received a call at home from an unlicensed Facility caregiver stating that Resident A's catheter was leaking, some blood was present and Resident A declined emergency room transport.

7. Respondent's home was about 30 to 40 minutes away from the Facility.

8. Respondent instructed the caregiver, over the phone, to connect a syringe to the port of the catheter to relieve any pressure from the catheter balloon.

9. Respondent improperly delegated authority to an unlicensed caregiver.

10. This is considered a non-disciplinary order.

11. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Nicole L. Janak, L.P.N., shall at Licensee's own expense take and successfully complete four (4) hours of education in nursing delegation as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee 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 education requirements that have been or may be instituted by the Board or Department.

3. Within 120 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$250.00.

4. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Licensee 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, Licensee's license (no. 310376-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of the costs and submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:

Jeddy J. Mee DNP, APRN
A Member of the Board

6.11.15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
NICOLE L. JANAK, L.P.N.,	:	
LICENSEE.	:	0004059

Division of Legal Services and Compliance Case No. 15 NUR 109

Licensee Nicole L. Janak, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Shane J. Vander Waal.

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

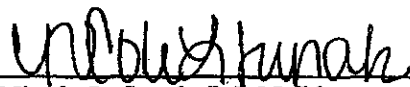
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be

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 Licensee, 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.

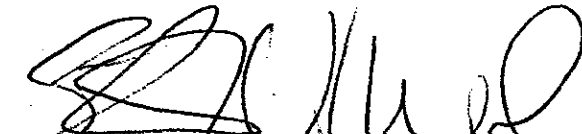
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



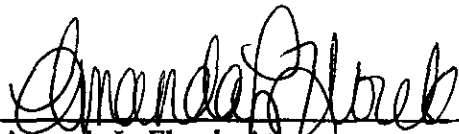
Nicole L. Janak, L.P.N., Licensee
N6660 County Road K
Phillips, WI 54555
License No. 313076-31

05/12/2015
Date



Shane J. Vander Waal, Attorney for Licensee
Pietz, Vander Waal, Stacker & Rottier, S.C.
530 Jackson Street
Wausau, WI 54402.1343

5/14/15
Date



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

5/18/15
Date