

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

MICHELLE M. DION, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004276

Division of Legal Services and Compliance Case No. 15 NUR 080

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

Michelle M. Dion, R.N.
404 S. 14th St.
Escanaba, MI 49829

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 Michelle M. Dion, R.N., (dob May 15, 1964) is licensed in the State of Wisconsin as a professional nurse, having license number 193440-30, first issued on November 19, 2012 and current through February 29, 2016. Respondent's most recent address on file with the Department is 404 South 14th Street, Escanaba, Michigan 49829.

2. On October 2, 2014, Respondent was stopped by a police officer for a traffic violation in Escanaba, Michigan.

3. Respondent, upon the officer's request, permitted the officer to search her vehicle.

4. A search of Respondent's vehicle revealed the following:
 - a. A baggie containing 3.5 grams of marijuana found in a small coin purse;
 - b. Two (2) baggies, each containing 3.5 grams of marijuana, found in a larger red bag inside a purse; and,
 - c. One (1) buprenorphine tablet found inside a wallet.
5. Respondent admitted to smoking marijuana prior to driving. Respondent contends that her use of marijuana did not affect her ability to operate a motor vehicle.
6. Respondent admitted to not having a valid prescription for buprenorphine.
7. As a result, Respondent was arrested and charged with possession with intent to deliver a controlled substance – marijuana; possession of a controlled substance – Suboxone®/buprenorphine; and operating while intoxicated.
8. On December 16, 2014, Respondent was convicted of operating while intoxicated. Respondent was placed on delayed sentence for possession of controlled substance/analogues (Suboxone®/buprenorphine) that will be dismissed if Respondent successfully completes probation.
9. On February 12, 2015, Respondent reported her convictions to the Department.
10. On March 15, 2015, Respondent admitted to self-medicating for physical pain and disability.
11. In resolution of this matter, Respondent neither admits nor denies the Findings of Fact above; however, 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).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license and privilege of Michelle M. Dion, R.N., (license no. 193440-30) 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 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.

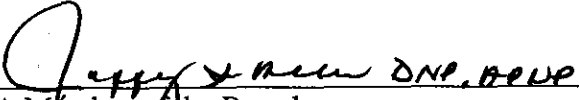
4. Within one (1) year from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,250.00

5. Respondent shall submit payment of costs and immediately return all indicia of Wisconsin licensure 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

10-8-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHELLE M. DION, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004276

Division of Legal Services and Compliance Case No. 15 NUR 080

Respondent Michelle M. Dion, 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. Respondent is represented by Attorney Frank A. Stupak, Jr.

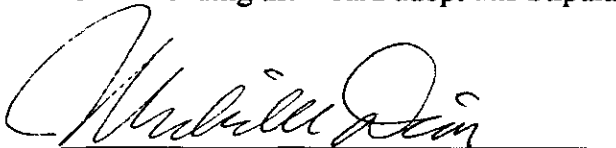
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

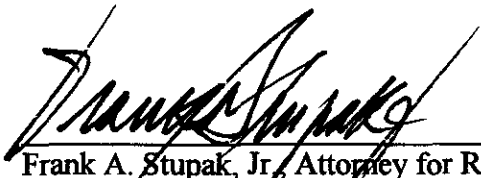
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Michelle M. Dion, R.N., Respondent
404 S. 14th St.
Escanaba, MI 49829
License no. 193440-30

September 4, 2015

Date



Frank A. Stupak, Jr., Attorney for Respondent
Stupak Law Office, P.C.
205 Ludington Street
Escanaba, MI 59829

September 4, 2015

Date



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

9/10/15

Date