

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARIAN E. MONTANA, L.P.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

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**0004753**

Division of Legal Services and Compliance Case No. 15 NUR 458

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

Marian E. Montana, L.P.N.  
11781 Wagon Ln.  
Roscoe, IL 61073

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 Marian E. Montana, L.P.N., (dob July 16, 1957) is licensed in the State of Wisconsin as a practical nurse, having license number 306599-31, first issued on October 3, 2005 and current through April 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 11781 Wagon Lane, Roscoe, Illinois 61073.

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

3. On July 29, 2015, Respondent's license to practice as a practical nurse in the State of Illinois was revoked based on the following facts:

- a. On September 30, 2013, Respondent found Patient A, a 60 year old female, with a critically low blood sugar.
- b. Respondent failed to notify the physician, did not immediately call 911, and did not fully assess Patient A's condition.
- c. Respondent neglected to perform CPR on Patient A, who was full code. Patient A did not have a pulse or visible respirations.
- d. Patient A was transported to a hospital where she remained mechanically ventilated, unresponsive with a diagnosis of anoxic encephalopathy.
- e. Respondent admitted during an internal investigation that she did not provide life support to Patient A.

4. On April 9, 2016, Respondent, in an email to a Department investigator, stated "I have no interest what so ever (sic) in being a nurse."

5. 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, Marian E. Montana, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.

3. As a result of the above conduct, Marian E. Montana, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license and privilege of Marian E. Montana, L.P.N., (license no. 306599-31) 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. Prior to petitioning the Board for reinstatement of her practical nursing license, or applying for any credential in the State of Wisconsin, Respondent shall pay costs of this matter in the amount of \$420.00 (made payable to the Department Monitor at the address below).

5. Respondent shall 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: Jessy & Renee DNP, APNP  
A Member of the Board

6-9-16  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARIAN E. MONTANA, L.P.N.,  
RESPONDENT.

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STIPULATION

**0004753**

Division of Legal Services and Compliance Case No. 15 NUR 458

Respondent Marian E. Montana, 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

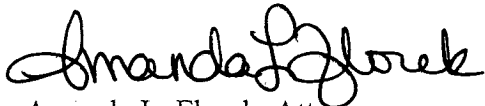
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Marian E. Montana, L.P.N., Respondent  
11781 Wagon Ln.  
Roscoe, IL 61073  
License no. 306599 31



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



Date