

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 :
: FINAL DECISION AND ORDER
ANNE RACHWAL, R.N., :
RESPONDENT. :

0004918

Division of Legal Services and Compliance Case No. 16 NUR 001

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

Anne Rachwal, R.N.
5613 Badger Court
Greendale, WI 53129

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 Anne Rachwal, R.N., (dob November 9, 1973) is licensed in the State of Wisconsin as a professional nurse, having license number 139176-30, first issued on July 19, 2001 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5613 Badger Court, Greendale, Wisconsin 53129.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at home health agency (Agency), located in West Allis, Wisconsin.

3. Respondent was assigned to provide home health nursing services to Patient A in the Milwaukee area.

4. On December 18, 2015, Respondent was caring for Patient A and they began to discuss the upcoming holidays and what Respondent was getting her daughter for gifts. Respondent stated she was unable to provide many gifts for her daughter this year due to finances.

5. Patient A offered to lend Respondent money to purchase gifts for her daughter.

6. Respondent accepted the offer and borrowed Patient A's debit card and personal identification number (PIN) to purchase Christmas gifts for her daughter. Respondent agreed to pay the money back to Patient A.

7. On December 22, 2015, Respondent returned the debit card to Patient A and informed Patient A that she bought clothes and boots for her daughter.

8. During an investigation by the Agency, Patient A confirmed he lent his card and PIN to Respondent. Patient A disclosed that the agreement was that Respondent would repay half on her next payday and the other half on the following payday.

9. Respondent borrowed Patient A's debit card while providing home nursing services to Patient A, which constitutes misconduct.

10. 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, Anne Rachwal, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(a), by borrowing money from a patient.

3. As a result of the above conduct, Anne Rachwal, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Anne Rachwal, R.N., (license number 139176-30) is REPRIMANDED.

3. The nursing license issued to Anne Rachwal, R.N., (license number 139176-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of ethics and professionalism, two (2) hours of education on the topic of nurse practice acts and five (5) hours of education on the topic of professional accountability offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent 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 continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. For at least two years from the date of this Order, the nursing license issued to Anne Rachwal, R.N., (license number 139176-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- b. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- c. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

- d. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

5. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

6. Within one (1) year from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$400.00.

7. Request for 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 Respondent 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

8. 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 Respondent'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 Respondent fails to timely submit payment of the costs as ordered, fails to submit proof of successful completion of the ordered education, fails to show a copy of the order to her employers, fails to submit proof that her employers have reviewed the order, fails to practice under direct supervision, fails to seek pre-approval of work settings, works in home health, assisted living, agency, pool or a correctional setting, or fails to submit notification of change in employment as set forth above, Respondent's license (no. 139176-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs, submitted proof of successful completion of the ordered education shown a copy of the order to her employers, submitted proof that her employers have reviewed the order, practiced only under direct supervision, sought pre-approval of all work settings, refrains from working in home health, assisted living, agency, pool or correctional settings and submitted notification of change in any employment.

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

WISCONSIN BOARD OF NURSING

by: Jerry X new DNP, APN
A Member of the Board

9.8.16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
ANNE RACHWAL, R.N., :
RESPONDENT. :

0004918

Division of Legal Services and Compliance Case No. 16 NUR 001

Respondent Anne Rachwal, 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 Stacie H. Rosenzweig.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

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

Anne Rachwal, R.N.
Anne Rachwal, R.N., Respondent
5613 Badger Court
Greendale, WI 53129
License no. 139176-30

8-2-2016
Date

Stacie H. Rosenzweig
Stacie H. Rosenzweig, Attorney for Respondent
Halling & Cayo, S.C.
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

8-2-16
Date

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

8/2/16
Date