

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
A PRACTICAL NURSE LICENSE

JANET DUBERSTEIN
APPLICANT

:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

0005197

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

JANET DUBERSTEIN
1260 S OLD HWY 51
MOSINEE WI 54455

BOARD OF NURSING
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WI 53708-8935

FINDINGS OF FACT

- I. Janet Duberstein (Applicant) has filed an application (#572233) for a credential to practice as a Licensed Practical Nurse (LPN) in Wisconsin via exam.
- II. Information received in the application process indicates the Applicant began working at Acorn Hill Assisted Living Facility in Wausau, Wisconsin in July of 2014. The applicant indicated as of July 28, 2016 she was still currently working in this position.
- III. Information received in the original application stated the Applicant's position was, "Med Passer, Caregiver, Team Leader." When asked for clarification regarding Applicant's position, the Applicant replied stating she is a med passer/personal care worker who administers medications and helps assist with care for the tenants that live there. When asked for further clarification if this position was a RN, LPN, CNA or non-nursing position the Applicant replied she was technically hired as an LPN however she did not initially state that for fear that she would be reprimanded.
- IV. Applicant later stated her position title is, "LPN Team Leader and On Call Supervisor". Applicant stated both her and her employer has held her out as an LPN.
- V. Applicant submitted an application for licensure as an LPN on or about April 24, 2014. On or about May 14, 2014 the Board requested additional information from the Applicant, which she did not provide.

- A. After one (1) year of no activity on a pending application, the Department of Safety and Professional Services Division of Professional Credential Processing changes the application status from "In Process" to "Abandoned."
- VI. Applicant erroneously believed that after she passed NCLEX her license would be issued. Applicant stated she did not realize her license was not issued, but she continued to work after she realized it was not issued.
- VII. On or about May 5, 2016 Applicant submitted this application for licensure as an LPN.
- VIII. Applicant has admitted to practicing as an LPN and holding herself out as an LPN since approximately July 2014. Applicant is now endeavoring to come into compliance with the law and obtain her license to practice as an LPN.

CONCLUSIONS OF LAW

- I. The Board has jurisdiction over this matter pursuant to Wis. Stat. § 441.10 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
- II. Practicing as an LPN and holding oneself out as an LPN and using the title of "Licensed Practical Nurse" or the letters "LPN" without a valid LPN license issued by the Board constitutes a violation of Wis. Stat. § 447.10(7), and further constitutes grounds for denial of licensure pursuant to Wis. Stat. §§ 447.10(5) and 441.07(1g)(b), and Wis. Admin. Code § N 7.03(1)(d).

ORDER

NOW, THEREFORE, IT IS ORDERED that JANET DUBERSTIN is GRANTED A LICENSED PRACTICAL NURSE LICENSE subject to the following LIMITATIONS, TERMS AND CONDITIONS:

CONDITIONS AND LIMITATIONS

Practice Limitations

1. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring 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.
2. It is Applicant's responsibility to arrange for written reports from her direct supervisor to be provided to the Department of Safety and Professional Services Monitor (Department Monitor) on a quarterly basis. These reports shall assess Applicant's work performance, attendance and include the number of hours of active nursing practice worked during that quarter.

3. Pursuant to Nurse Licensure Compact regulations, Applicant'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 Board and the regulatory board in the state in which Applicant proposes to practice.
4. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Continuing Education

5. Within three (3) months of this Order, Applicant shall, at her own expense, take and successfully complete three (3) hours of education on the topic of Ethics and Nurse Practice Act and three (3) hours of education on Rules and Regulations.
 - I. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. The Applicant will 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. The applicant must take and pass any exam offered for the course(s).
 - II. Within thirty (30) days of completions of each educational component, Applicant shall file an affidavit with the Department Monitor stating under oath that she has attended, in its entirety, the course(s) approved for satisfaction of these requirements along with supporting documentation of attendance from the sponsoring organization(s). 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.

MISCELLANEOUS

Department Monitor

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Department of Safety and Professional Services
1400 E. Washington Ave.
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Required Reporting by Applicant

7. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant.
8. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five days of the date of the change.

Petitions for Modification of Limitations or Termination of Order

9. Applicant may petition the Board or its designee for modification or termination of the terms of this Order after completion of one (1) year of practice as an LPN in compliance with all terms and conditions of this Order. "Practice in compliance" includes the timely submission of work reports, the content of which are satisfactory to the Board. A denial of such a petition for modification shall not be deemed a denial of a credential under Wis. Stat. §§ 227.01(3) or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing to appeal.

Costs of Compliance

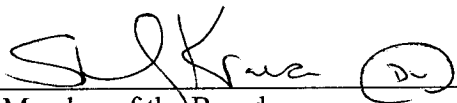
10. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

Suspension/Additional Discipline

11. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 15 day of February, 2017.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
A PRACTICAL NURSE LICENSE

JANET DUBERSTEIN
APPLICANT


STIPULATION

0005197

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Board of Nursing (Board) as follows:


The Applicant has filed an application for a Licensed Practical Nurse license. Information received by the Board reflects a basis for denial of the applicant for a credential. Based upon the information of record, the Board agrees to issue and the Applicant agrees to accept a Limited License as a Licensed Practical Nurse subject to the terms and conditions set forth in the attached Order.

Dated this 10 day of February, 2017


Janet Duberstein, Applicant

STATE OF WISCONSIN
BOARD OF NURSING

Dated this 15 day of February, 2017

By: 
Member of the Board