

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

JUNE L. FASBENDER, L.P.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005366

Division of Legal Services and Compliance Case No. 16 NUR 096

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

June L. Fasbender, L.P.N.
4900 Olson Drive, Trailer #36
Eau Claire, WI 54703

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 June L. Fasbender, L.P.N., (dob July 5, 1978) is licensed in the State of Wisconsin as a practical nurse, having license number 310591-31, first issued on September 10, 2008 and current through April 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4900 Olson Drive, Trailer #36, Eau Claire, Wisconsin 54703.

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

3. During an audit at the Home, the director of nursing (DON) discovered that Respondent had destroyed medications for a patient that had gone out to the hospital. The DON located the destruction log and there were two signatures; one signature was Respondent's and the other signature was Nurse L.P.'s signature. However, Nurse L.P. has a distinct signature and the signature on the log was not hers.

4. The DON gathered other destruction logs and found the following discrepancies:

- a. On September 4, 2015, Respondent and Nurse B.W.'s signatures appeared on the destruction log for the destruction of 20 tablets of oxycodone 5 mg for Patient D.B. Nurse B.W. was interviewed by the Home and stated that although that was her name, it was not her signature.
- b. On September 10, 2015, Respondent and Nurse B.W.'s signatures appeared on the destruction log for the destruction of five (5) tablets of oxycodone 10 mg for Patient J.M. Nurse B.W. was interviewed by the Home and stated that although that was her name, it was not her signature.
- c. On October 9, 2015, Respondent and Nurse B.W.'s signatures appeared on the destruction log for the destruction of 21 tablets of oxycodone 5 mg for Patient J.W. Nurse B.W. was interviewed by the Home and stated that although that was her name, it was not her signature. Nurse B.W. was not scheduled to work on October 9, 2015.
- d. On October 23, 2015, Respondent and Nurse B.J.'s signatures appeared on the destruction log for the destruction of 16 tablets of Vicodin® 5/325 mg for Patient R.R. Nurse B.J. was interviewed by the Home and stated although that was her name, it was not her signature.
- e. On October 30, 2015, Respondent and Nurse B.J.'s signatures appeared on the destruction log for the destruction of three (3) fentanyl patches. Nurse B.J. was interviewed by the Home and stated although that was her name, it was not her signature.
- f. On November 13, 2015, Respondent and Nurse D.B.'s signatures appeared on the destruction log for the destruction of one (1) fentanyl 12 mg patch for Patient G.K. Nurse D.B. was interviewed by the Home and stated although that was her name, it was not her signature.
- g. On November 28, 2015, Respondent and Nurse K.B.'s signatures appeared on the destruction log for the destruction of 15 tablets of

lorazepam 1 mg for Patient H.M. Nurse K.B. was interviewed by the Home and stated although that was her name, it was not her signature.

- h. On December 3, 2015, Respondent and Nurse D.B.'s signatures appeared on the destruction log for the destruction of 24 tablets of hydrocodone/APAP 5/300 mg. Nurse D.B. was interviewed by the Home and stated although that was her name, it was not her signature.
- i. On January 5, 2016, Respondent and Nurse R.S.'s signatures appeared on the destruction log for the destruction of 20 tablets of one (1) card and seven (7) tablets of another card of oxycodone/APAP 5/325 mg for Patient F.J. Nurse R.S. was interviewed by the Home and stated although both signatures were her name, they were not her signature.
- j. On January 16, 2016, Respondent and Nurse K.B.'s signatures appeared on the destruction log for the destruction of 30 tablets of tramadol 50 mg for Patient L.S. Nurse K.B. was interviewed by the Home and stated although that was her name, it was not her signature.
- k. On January 23, 2016, Respondent and Nurse K.B.'s signatures appeared on the destruction log for the destruction of 29 tablets of oxycodone 5 mg IR for Patient C.H. Nurse K.B. was interviewed by the Home and stated although that was her name, it was not her signature.

5. On January 26, 2016, the DON spoke with Respondent regarding the findings of the initial investigation. Respondent's employment was terminated for "Deliberately falsifying reports or records-forging nurse's signatures on narcotic record." No reasonable suspicion drug screen was requested.

6. On March 3, 2016, a Department investigator mailed a letter to the Respondent regarding the above allegations. The letter was returned marked undeliverable with no forwarding address.

7. On October 11 and 28, 2016, the investigator called Respondent but received no answer and was unable to leave a voicemail as the voicemail box was full.

8. On October 11, 2016, the investigator emailed Respondent regarding the above allegations. Respondent has not contacted the investigator.

9. On November 14, 2016, the investigator mailed a letter to the Respondent regarding the above allegations to a different address listed for the Respondent. The Department has not received the letter back or a response from Respondent.

10. On February 7, 2017, the investigator called Respondent but received no answer. The investigator left a voice message for Respondent to return her call.

11. Respondent has failed to contact the Department despite numerous attempts.

12. 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, June L. Fasnender, L.P.N., violated Wis. Admin. Code § N 7.03(5)(a), by falsifying or inappropriately altering reports, patient documentation, agency records, or other health documents.

3. By the conduct described in the Findings of Fact, June L. Fasnender, L.P.N., violated Wis. Admin. Code § N 7.03(1)(c), by after a request of the board, failing to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has failed to cooperate in a timely manner.

4. As a result of the above conduct, June L. Fasnender, 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. Respondent June L. Fasnender, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to June L. Fasnender, L.P.N., (license number 310591-31) 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 two (2) hours of education on the topic of nursing practices, five (5) hours of education on the topic of documentation and three (3) hours of education on the topic of critical thinking and four (4) hours on the topic of ethics 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. The practical nursing license issued to June L. Fasbender, L.P.N., (license number 310591-31) 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. 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 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 120 days from the date of this Order, June L. Fasbender, L.P.N., shall pay COSTS of this matter in the amount of \$850.00.

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. In the event Respondent violates any term of this Order, Respondent's license (310591-31), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

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

WISCONSIN BOARD OF NURSING

by: *Stacy Krause*
A Member of the Board

7-13-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JUNE L. FASBENDER, L.P.N.,
RESPONDENT.

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STIPULATION

0005366

Division of Legal Services and Compliance Case No. 16 NUR 096

Respondent June L. Fasbender, 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.

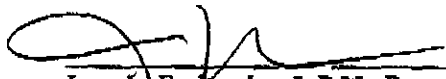
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

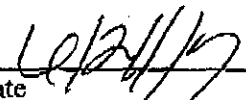
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


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 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.


June L. Fasbender, L.P.N., Respondent
4900 Olson Drive #36
Eau Claire, WI 54703
License no. 310591-31


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