

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

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

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ANGELA GABRIEL, L.P.N., :
RESPONDENT. :

0005468

Division of Legal Services and Compliance Case No. 17 NUR 359

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

Angela Gabriel, L.P.N.
410 Sheffield Rd., Unit #3
Waukesha, WI 53186

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 Angela Gabriel, L.P.N., (dob July 16, 1978) is licensed in the State of Wisconsin as a practical nurse, having license number 319817-31, first issued on August 6, 2015. Respondent's license expired on April 30, 2017, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 29, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 410 Sheffield Road, Unit #3, Waukesha, Wisconsin 53186.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a health and rehabilitation center (Center), located in Waukesha, Wisconsin.

3. In April 2016, the Center received information regarding concerns about the quality of care and possible abuse of some residents and conducted an investigation.
4. During the investigation, the Center interviewed all residents and staff and discovered several instances of abuse.
5. On April 28, 2016, during an interview, certified nurse assistant A (CNA-A) described one incident when Resident M.G., a dementia patient, was peeking into other residents' rooms. CNA-A attempted to distract Resident M.G. and Resident M.G. became agitated.
6. Respondent then said "I've had enough," and pushed Resident M.G., who was in a wheelchair, into her room, shut the door and began yelling at Resident M.G.
7. Resident M.G. covered her ears and Respondent grabbed Resident M.G.'s wrists, held Resident M.G.'s arms down on Resident M.G.'s lap and yelled at her stating, "I hope you understand this is how babies act."
8. On April 28, 2016, certified nurse assistant B (CNA-B), during an interview, informed the administrator that she also witnessed the incident with Resident M.G.
9. CNA-B described one incident when Respondent and she went into Resident D.B.'s room to clean and change him. Resident D.B. has dementia.
10. CNA-B stated that Resident D.B. was in his bed, on his side facing her and with his back to Respondent.
11. Resident D.B. began swearing at Respondent and Respondent told Resident D.B. that he was being inappropriate. CNA-B stated that Respondent's comments seemed to escalate the situation.
12. CNA-B stated that Resident D.B. appeared to punch Respondent.
13. CNA-B then stated she witnessed Respondent hit/punch Resident D.B. in the middle of his back. Respondent looked at her with a surprised look and immediately said to Resident D.B. "I didn't mean to punch you that hard."
14. On May 2, 2016, Respondent's employment was terminated.
15. On May 6, 2016, Respondent was arrested for abusing Resident D.B.
16. On or about May 8, 2016, Certified nurse assistant C (CNA-C) stated that while CNA-B and Respondent were cleaning Resident D.B., Resident D.B. began stroking CNA-C's arm.
17. CNA-C asked Resident D.B. to stop and he did. Soon after, Resident D.B. began stroking CNA-C's arm. Respondent saw this and hit Resident D.B.'s arm.

18. Respondent, in her written statement to the Center and in her interview with the Waukesha County Police Department, denied the allegations that she punched Resident D.B. in the back or that she slapped Resident D.B.'s arm. Respondent admitted that she "gently" held Resident M.G.'s arms at her sides. Respondent denied yelling at Resident M.G., but may have "raised her voice because she was hard of hearing."

19. On October 25, 2016, Respondent, in Waukesha County Circuit Court case number 2016CF1330, was charged with one (1) count of intentional abuse a patient causing great bodily harm, in violation of Wis. Stat. § 940.295(3)(a)1., a felony.

20. On May 24, 2017, Respondent pled no contest to one count of reckless abuse of a patient causing bodily harm, in violation of Wis. Stat. § 940.295(3)(a)2, a misdemeanor, and one count of disorderly conduct, in violation of Wis. Stat. § 947.01(1), a misdemeanor.

21. Respondent properly reported these convictions to the Department.

22. Respondent has informed the Department that she wishes to voluntarily surrender her license to practice nursing in the State of Wisconsin.

23. 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, Angela Gabriel, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(c), by abusing a patient by a single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain, injury, mental anguish, or fear.

3. As a result of the above conduct, Angela Gabriel, 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 SURRENDER of the license, right to renew and privilege of Angela Gabriel, L.P.N., (license no. 319817-31) 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. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by: Heidi Krause
A Member of the Board

10-12-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANGELA GABRIEL, L.P.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0005468

Division of Legal Services and Compliance Case No. 17 NUR 359

Respondent Angela Gabriel, 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. Respondent is represented by Attorney Robert Dvorak.

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.

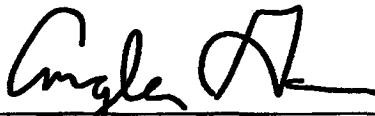
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 or Respondent's attorney, 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.

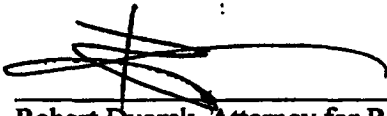
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Angela Gabrieli, L.P.N., Respondent
410 Sheffield Rd., Unit #3
Waukesha, WI 53186
License no. 319817-31

9/25/2017

Date



Robert Dvorak, Attorney for Respondent
Halling & Cayo SC
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

9.28.17

Date



Amanda L. Florek, Attorney

9/28/17

Date

**Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190**