

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

SUSAN M. STRUEBING, L.P.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0006043

Division of Legal Services and Compliance Case No. 16 NUR 337

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

Susan M. Struebing, L.P.N.
307A Monroe Street
Sheboygan Falls, WI 53085

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 Susan M. Struebing, L.P.N., (DOB August 24, 1961) is licensed in the state of Wisconsin as a practical nurse, having license number 28852-31, first issued on November 26, 1986, and current through April 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N2258 Silver Creek Cascade Road, Adell, Wisconsin 53001.

2. Upon information and belief, Respondent's current address is 307A Monroe Street, Sheboygan Falls, Wisconsin 53085.

3. Prior to April 29, 2016, Respondent was employed as a practical nurse at a senior care facility (Facility) located in Sheboygan, Wisconsin.

4. On April 29, 2016, Respondent left the Facility and stated she was not coming back. This conduct was determined to constitute a resignation of her employment with the Facility.

5. After April 29, 2016, Respondent did not return to the Facility in the capacity of an employee at the Facility.

6. On May 16, 2016, a staff member at the Facility observed Respondent using a computer in the Facility even though she was no longer an employee of the Facility.

7. The executive director (Director) of the Facility was informed that Respondent was in the Facility.

8. The Director located Respondent in Resident A's room.

9. Respondent indicated to the Director that she was in the Facility to print off her paystubs and "visit her residents."

10. The Director informed Respondent that she was not allowed in the Facility and escorted Respondent out of the building.

11. On May 23, 2016, Resident A's Power of Attorney informed the Facility Administrator that Resident A had written a check to Respondent on May 16, 2016, in the amount of \$2,000.00.

12. A review of Resident A's bank statement revealed that Respondent endorsed and cashed the check on May 19, 2016.

13. When questioned, Resident A stated that Respondent was her friend and needed the money because she was fired from the Facility.

14. 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, Susan M. Struebing, L.P.N., violated Wis. Admin. Code § N 7.03(4)(a), by obtaining or attempting to obtain money from a patient.

3. By the conduct described in the Findings of Fact, Susan M. Struebing, L.P.N., violated Wis. Admin. Code § N 7.03(4)(e)1.c., by exploiting the professional relationship with a patient for the nurse's financial benefit.

4. By the conduct described in the Findings of Fact, Susan M. Struebing, L.P.N., violated Wis. Admin. Code § N 7.03(4)(e)1.h., by accepting gifts which are more than minimal value or any cash from a patient.

5. By the conduct described in the Findings of Fact, Susan M. Struebing, L.P.N., violated Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk to a patient's life, health, or safety.

6. As a result of the above conduct, Susan M. Struebing, 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 Susan M. Struebing, L.P.N., is REPRIMANDED.
3. Within 120 days from the date of this Order, Susan M. Struebing, L.P.N., shall pay COSTS of this matter in the amount of \$500.00.
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), request for approval of courses, and proof of successful course completion 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's license (license number 28852-31), 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.

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

WISCONSIN BOARD OF NURSING

by: Samela Kubit, RN
A Member of the Board

2/14/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN M. STRUEBING, L.P.N.,
RESPONDENT.

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STIPULATION

0006043

Division of Legal Services and Compliance Case No. 16 NUR 337

Respondent Susan M. Struebing, 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.

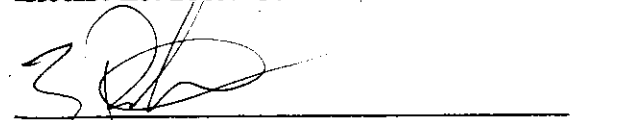
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Susan M. Struebing, L.P.N., Respondent

307A Monroe Street
Sheboygan Falls, WI 53085
License no. 28852-31

2-1-19
Date


Zachary J. Peters, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

2-6-19
Date