

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

JENNY L. NOWAK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006405

Division of Legal Services and Compliance Case No. 17 NUR 320

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

Jenny L. Nowak, R.N.
1418 State Hwy 107
Marathon, WI 54448

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 Jenny L. Nowak, R.N., (DOB: June 3, 1974) is licensed in the state of Wisconsin as a registered nurse, having license number 118938-30, first issued on February 22, 1995, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1418 State Highway 107, Marathon, Wisconsin 54448.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital (Hospital), located in Wausau, Wisconsin.

3. On or around April, 2017, the Hospital Compliance unit conducted a privacy audit as a result of a patient being the suspect in a mass shooting that took place within the community.

4. The audit determined that Respondent took affirmative action to access the patient's chart on April 3, 2017. The patient was not under the care of Respondent.

5. On April 26, 2019, Respondent took three (3) continuing education credits in the privacy and security of electronic health records.

6. On April 29, 2019, Respondent took two (2) continuing education credits in secure electronic health records.

7. Respondent resigned her registered nurse position with the Hospital.

8. 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, Jenny L. Nowak, R.N., violated Wis. Admin. Code § N 7.03(3)(a), by engaging in confidentiality, patient privacy, consent, or disclosure violations, including the following: (a) failing to safeguard the patient's dignity, or the right to privacy.

3. As a result of the above conduct, Jenny L. Nowak, 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 Jenny L. Nowak, R.N., is REPRIMANDED.

3. The Board of Nursing requires Respondent to complete five (5) continuing education hours on the topics of electronic health records and HIPAA privacy, as a result of Respondent's conduct in Paragraph 4 of the Findings of Fact. Respondent proactively attended and completed five (5) continuing education credits, as detailed in Paragraphs 5 and 6 of the Findings of Fact. *In this case*, the Board of Nursing approves the continuing education credits completed by Respondent as satisfaction of this order.

4. The Board of Nursing approves, in this case, the five (5) continuing education credits prior taken by Jenny L. Nowak, R.N.

5. Within 180 days from the date of this Order, Jenny L. Nowak, R.N., shall pay COSTS of this matter in the amount of \$800.00.

6. 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

Or they may be submitted online via the Department's Monitoring Case Management System at

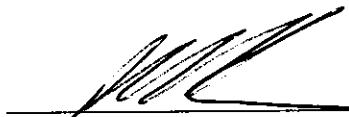
<https://app.wi.gov/DSPSMonitoring>

7. In the event Respondent violates any term of this Order, Respondent's license (118938-30), 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/17/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNY L. NOWAK, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006405

Division of Legal Services and Compliance Case No. 17 NUR 320

Respondent Jenny L. Nowak, 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.

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.

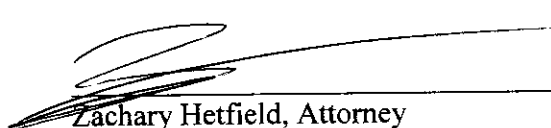
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Jenny L. Nowak, R.N., Respondent
1418 State Hwy 107
Marathon, WI 54448
License no. 118938-30

7/11/2019

Date


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

7/11/19

Date