

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 :
 : FINAL DECISION AND ORDER
MARANDA J. NABOZNY, R.N., :
RESPONDENT. : **ORDER 0007219**

Division of Legal Services and Compliance Case No. 20 NUR 391

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

Maranda J. Nabozny, R.N.
Ashland, WI 54806

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. Maranda J. Nabozny, R.N. (Respondent) (Year of Birth 1981) is licensed in the state of Wisconsin as a registered nurse, having license number 230440-30, first issued on July 20, 2016, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Ashland, Wisconsin, 54806.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a health care facility (Facility), located in Ashland, Wisconsin.

3. In July 2020, the Facility received an "excessive use report" which suggested Respondent may have been diverting controlled substances. The Facility conducted an

investigation which included review of “controlled substance dispense reports” and medical administration records (MARs), from dates in late July 2020. Those reports and the Facility investigation revealed the following:

- a. Respondent documented administering controlled substances to residents who normally do not receive the controlled substances at the frequency documented by Respondent.
- b. MARs indicated that various residents only received controlled substances on the days/shifts that Respondent worked.
- c. Various residents were interviewed by the Facility and denied requesting or receiving the controlled substances as documented by Respondent.
- d. Respondent admitted to improperly wasting a Ritalin 10 mg pill by throwing it into a garbage receptacle because she was “agitated.” The garbage receptacle was searched that same day, yet the Ritalin 10 mg pill could not be found.
- e. Respondent admitted to the Facility that she pre-punched from blister packs, and pre-signed controlled substances in the MARs hours prior to administering the controlled substance to the resident.
- f. The Facility asked Respondent to submit to a drug test; Respondent declined and advised that she was quitting her job effective immediately.
- g. Respondent refused to submit to a drug test in part, as she maintained that the drug test results would test positive for hydrocodone, a controlled substance she was prescribed for severe headaches.

4. 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, Respondent committed unsafe practice or substandard care by failing to perform nursing with reasonable skill and safety, and by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient’s life, health, or safety within the meaning of Wis. Admin. Code. § N 7.03(6)(a) and (c).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code. § N 7.03.

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. The registered nursing license issued to Respondent (license number 230440-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are LIMITED as follows:
 - a. Within six (6) months from the date of this Order, Respondent, at her own expense, shall complete six (6) hours of education on the topic of medication documentation and administration, and six (6) hours on the topic of ethics and professional responsibility as follows:
 - i. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall 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. Respondent must take and pass any exam offered for the course(s).
 - ii. 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 education requirements that have been or may be instituted by the Board or Department.
 - iii. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - b. For a period of at least two (2) years, Respondent shall abide by the following:
 - i. Respondent shall only work under supervision of a registered nurse licensed by the Board. Respondent shall not work as an independent contractor or sole proprietor.
 - ii. Respondent shall arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance. If a report indicates less than satisfactory work performance, the Board may institute appropriate corrective limitations in its discretion.

- c. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an Alcohol and Other Drug Assessment (AODA) as follows:
 - i. The AODA assessment shall be conducted by an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.
 - ii. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
 - iii. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
 - iv. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
 - v. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
 - vi. Respondent shall comply with the evaluator's recommendations.
- d. Pursuant to the Compact, Respondent may not practice in another Compact state, other than Wisconsin, while her license is encumbered by any term or restriction of this Order.
- e. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$568.00.

5. Petitions, 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

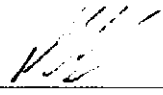
Respondent may also submit this information at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (230440-30), 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.

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

2/11/2021

Date

RECEIVED

JAN 14 2021

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARANDA J. NABOZNY, R.N.,
RESPONDENT.

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STIPULATION
ORDER 0007219

Division of Legal Services and Compliance Case No. 20 NUR 391

Respondent Maranda J. Nabozny, 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.

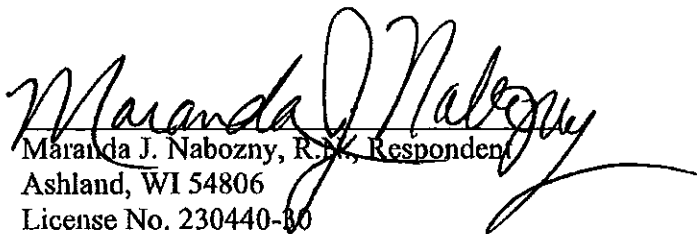
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Maranda J. Nabozny, R.N., Respondent
Ashland, WI 54806
License No. 230440-80

1/11/2021
Date


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

1/14/2021
Date