

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

JACLYN M. HEBEIN, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007377

Division of Legal Services and Compliance Case No. 19 NUR 723

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

Jaclyn M. Hebein, L.P.N.
West Bend, WI 53090

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 Jaclyn M. Hebein, L.P.N. (D.O.B. xx-xx-1977), is licensed in the state of Wisconsin as a practical nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 316867-31, first issued on March 29, 2013, and current through April 30, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in West Bend, Wisconsin 53090.

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

3. On November 29, 2019, the Department received a complaint alleging that on November 15, 2019, Respondent failed to document administration of one (1) hydrocodone-

acetaminophen to Resident A. Respondent had asked another licensed practical nurse for the keys to the medication cart to assist in passing medications.

4. Respondent's duties at the Facility were those of a desk nurse, processing orders, following up on orders, and providing wound treatment. Respondent was not assigned the keys to the medication cart.

5. The Facility's investigation discovered that the narcotic sheets for residents using hydrocodone, oxycodone, and lorazepam showed Respondent signed out narcotics more than other nurses, even though she was not assigned to the medication cart.

6. The Facility terminated Respondent's employment on December 5, 2019.

7. On February 6, 2020, the Department sent an email to Respondent at her email address on file with the Department requesting a response to the complaint by February 13, 2020. Respondent failed to respond.

8. On February 27, 2020, the Department sent a letter to Respondent at her mailing address on file with the Department requesting a response to the complaint by March 6, 2020. Respondent failed to respond.

9. On April 22, 2020, the Department sent an email to Respondent at her email address on file with the Department requesting a response to the complaint by May 7, 2020. Respondent failed to respond.

10. On April 23, 2020, the Department sent a letter to Respondent at her mailing address on file with the Department requesting a response to the complaint by May 7, 2020. Respondent failed to respond.

11. On May 26, 2020, the Department investigator called Respondent. Respondent said she moved in with her parents but confirmed her email address was the same as the email address on file with the Department. The Department emailed Respondent again to request a response to the complaint.

12. On June 10, 2020, Respondent submitted an untimely response to the complaint to the Department.

13. On January 5, 2021, Respondent was convicted of OWI (1st w/Passenger < 16 Yrs. Old) in Ozaukee County Circuit Court Case No. 2019CT000273, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a).

14. Respondent did not notify the Board of the aforementioned conviction.

15. 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 violated Wis. Admin. Code § N 7.03(1)(c) by failing to cooperate in a timely manner with the Board's investigation of a complaint filed against a license holder, after a request of the Board. 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.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(1)(h) by failing to notify the Board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction, including the date, place, and nature of the conviction or finding.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(c) by departing from or failing to conform to the minimal standard of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety. Actual injury to a patient need not be established.

5. As a result of the above conduct, Respondent Jaclyn M. Hebein, 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 is REPRIMANDED.
3. The practical nurse license issued to Jaclyn M. Hebein, L.P.N. (license number 316867-31), and her privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:
 - a. Within ninety (90) days Respondent shall, at her own expense, undergo and complete an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments (AODA Evaluator).
 - b. Prior to the assessment, Respondent shall provide a copy of this Order to the AODA Evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the AODA Evaluator that a copy of this Order has been received by the AODA Evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
 - c. Respondent shall provide and keep on file with the AODA 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.

- d. Respondent shall identify and provide the AODA Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- e. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.
- f. Respondent shall comply with the AODA Evaluator's recommendations.
- g. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the AODA Evaluator's recommendations.

4. Pursuant to the Compact, Respondent may not practice in a Compact state, other than Wisconsin, during the pendency of this limitation(s).

5. Request for approval of AODA Evaluator, submission of AODA Evaluator's report, 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
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 online at:
www.dpsmonitoring.wi.gov

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,113.00.

7. In the event Respondent violates any term of this Order, Respondent's license (No. 316867-31), 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.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

13 May 2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JACLYN M. HEBEIN, L.P.N.,
RESPONDENT.

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:
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STIPULATION

ORDER 0007377

Division of Legal Services and Compliance Case No. 19 NUR 723

Respondent Jaclyn M. Hebein, 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.

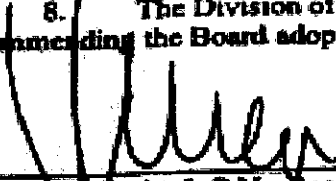
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Jaclyn M. Hebein, L.P.N., Respondent
West Bend, WI 53090
License No. 316867-31

3/29/2021
Date


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

3/30/2021

Date