

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

MOIRA C. CONNAUGHTY,
RESPONDENT.

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:

ADMINISTRATIVE INJUNCTION

ORDER 000817

Division of Legal Services and Compliance Case No. 22 UNL 042

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

Moira C. Connaughty
Winona, MN 55987

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Moira Connaughty (Respondent), (Year of Birth 1996) is not and has never been licensed as a licensed practical nurse (LPN) in the state of Wisconsin.
2. On April 9, 2020, the Department received an application from Respondent to obtain a Wisconsin LPN license. However, the application was incomplete and as such, the Board of Nursing did not act on the application at that time. In May 2022 Respondent provided additional information which updated her application. As of the date of this Order, Respondent's application for licensure as an LPN remains pending.

3. In May 2022, Respondent advised the Department that she lives in Minnesota, is licensed as a practical nurse in Minnesota, and plans to move to Wisconsin. Respondent also advised that she worked as a licensed practical nurse for a care center in Onalaska, Wisconsin, from April 2020 to February 2021 (Facility).

4. Because Respondent has never held an LPN license in Wisconsin, the Department opened Case Number 22 UNL 042 (NUR) to investigate whether Respondent held herself out and performed work as an LPN in Wisconsin without proper licensure.

5. The investigation revealed that Respondent held herself out, and worked as an LPN at the Facility from April 6, 2020, through February 2021.

6. Respondent mistakenly thought she was approved to work and hold herself out as an LPN in Wisconsin without a Wisconsin license, pursuant to Emergency Order #16, since she possessed a practical nurse license from Minnesota.

7. Wisconsin Emergency Order #16 provides that any health care provider with a valid and current license issued by another state may practice under that license and within the scope of that license in Wisconsin without first obtaining a temporary/permanent license from the Department/Board, as long as specific conditions are met. The investigation in this matter did not substantiate that the specific conditions were met.

8. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5) and Wis. Stat. § 441.13(3).

2. Wisconsin Stat. § 441.10(7) provides that no person may hold themselves out as an LPN, or use the title of a licensed practical nurse, without first obtaining licensure as an LPN in Wisconsin.

3. By the conduct described above, Respondent violated Wis. Stat. § 441.10(7) by holding herself out as an LPN without first obtaining licensure as an LPN in Wisconsin.

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a licensed practical nurse by the Wisconsin Board of Nursing, Respondent is enjoined and prohibited from holding herself out as an LPN or using the title or letters "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.", or otherwise seek to indicate that they are a licensed practical nurse in Wisconsin.

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

4. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation, pursuant to Wis. Stat. § 440.21(4)(a).

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: A. Rohmeyer 9/21/2022
Aloysius Rohmeyer, Chief Legal Counsel Date
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

MOIRA C. CONNAUGHTY,
RESPONDENT.

STIPULATION

ORDER 0008174

Division of Legal Services and Compliance Case No. 22 UNL 042

Moira C. Connaughty (Respondent), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division for further proceedings. In the event that the Stipulation is not accepted by the

Department, the parties agree not to contend that the Department 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 for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.



Moira C. Connaughty, Respondent
Winona, MN 55987

08 /23 /2022

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

8/24/22

Date

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