

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

MAY 18 2010

IN THE MATTER OF

THE LICENSE OF

ADRIENNE BAUMFALK, L.P.N.

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)
)
)
)

ASSURANCE OF COMPLIANCE

RECEIVED

Adrienne Baumfalk.L.P.N., ("Ms. Baumfalk") and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Ms. Baumfalk is the holder of a practical nursing license (#17544) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. It is alleged that Ms. Baumfalk failed to report two misdemeanor convictions to the Department within thirty (30) days.

3. Neb. Rev. Stat. § 38-178 (Reissue 2008) provides that a professional license may be disciplined for failure to file a report as required by Neb. Rev. Stat. § 38-1,125 (Reissue 2008).

4. Neb. Rev. Stat. § 38-1,125(1)(c)(vii) (Reissue 2008) requires a licensed health professional to report any misdemeanor or felony conviction to the Department within thirty (30) days.

5. Ms. Baumfalk shall thoroughly familiarize herself and comply with Neb. Rev. Stat. § 38-1,125 (Reissue 2008), commonly known as the mandatory reporting law.

6. Neb. Rev. Stat. § 38-178(21) (Reissue 2008) provides that a practical nursing license may be disciplined for a violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108 (Reissue 2008).

7. This Assurance of Compliance is not considered disciplinary action against Ms. Baumfalk's practical nursing license.

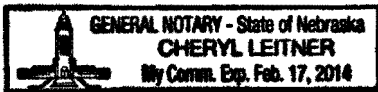
8. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 38-1,108 (Reissue 2008) and shall become effective ten (10) days from the date it is signed by the Attorney General's Office.

Dated this ^{03 5/12/10} ~~4th~~ ^{5/12/10} day of ^{03 5/12/10} ~~Stat~~ ^{Wednesday}, 2010.

BY: Adrienne Baumfalk LPN
Adrienne Baumfalk, L.P.N.

State of Nebraska)
County of Nebraska) ss.

This Assurance of Compliance is acknowledged before me by Adrienne Baumfalk, L.P.N., on this 19th day of May, 2010.



Cheryl Leitner
Notary Public
My Commission Expires:

Dated this 14th day of May, 2010.

BY: JON BRUNING, #20351
Attorney General

BY: Lisa K. Anderson
Lisa K. Anderson, #21845
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-4593

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

MAR 22 2005

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General,

Plaintiff,

vs.

ADRIENNE BAUMFALK, L.P.N.,

Defendant.

80 - 050213

ORDER
ON AGREED SETTLEMENT

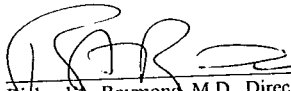
A PROPOSED AGREED SETTLEMENT, was filed with the Department on February 15, 2005.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

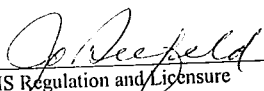
DATED this 15th day of March, 2005.




Richard A. Raymond, M.D., Director
Department of Health and Human Services
Regulation and Licensure

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 16 day of March, 2005, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested to Adrienne Baumfalk, 1101 Country Club Drive, McCook, Nebraska 69001 and by interagency mail to Terri J. Nutzman, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.


HHS Regulation and Licensure
P.O. Box 95007
Lincoln, NE 68509-5007
(402) 471-0384

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

FILED

FEB 15 2005

HHS REGULATION
AND LICENSURE

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,

Plaintiff,

v.

ADRIENNE BAUMFALK, L.P.N. ,

Defendant.

AGREED SETTLEMENT

MAR 22 2005

The Plaintiff and the Defendant, Adrienne Baumfalk, L.P.N., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Adrienne Baumfalk, L.P.N., was issued a license (#17544) by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department"), to practice nursing in the State of Nebraska, which license is currently held by the Defendant.
2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Director which approves the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce her to enter into this Agreed Settlement.
4. The Defendant acknowledges that she has read the Petition For Disciplinary Action filed by the Attorney General's Office. The Defendant admits the allegations of the Petition For Disciplinary Action.

5. The Department's Director shall enter a disciplinary order which imposes the sanctions of a censure and a civil penalty in the amount of Five Hundred Dollars (\$500). The civil penalty shall be payable in full within six (6) months from the date the Director enters a disciplinary order in accordance with this Agreed Settlement. In the event the Defendant fails to pay the civil penalty in full by the stated deadline, the Director may summarily suspend the Defendant's license, which suspension shall remain in effect until the civil penalty is paid in full.

6. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Nursing and has received their input in accordance with Neb. Rev. Stat. Section 71-161.03.

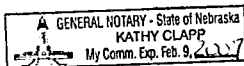
7. If this Agreed Settlement is not approved by the Director, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

BY: Adrienne Baumfalk
Adrienne Baumfalk, L.P.N.
Defendant

STATE OF NEBRASKA)
COUNTY OF Red Willow) ss.

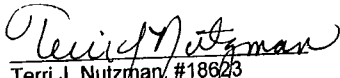
Acknowledged before me by Adrienne Baumfalk, L.P.N., on this 11th
day of February, 2005.



Kathy Clapp
Notary Public

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-9658

Attorneys for Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

FILED

FEB 15 2005

HHS REGULATION
AND LICENSURE

STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General)
)
Plaintiff,)
)
vs.)
)
ADRIENNE BAUMFALK, L.P.N.,)
)
Defendant.)

PETITION FOR
DISCIPLINARY ACTION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. § 71-150.
2. At all times relevant herein, the Defendant, Adrienne Baumfalk, L.P.N., has been the holder of a license (#17544) which was issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department") to practice as a nurse.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of nursing.
4. The Nebraska Board of Nursing considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 71-168.01(7) and 71-168.01(8).
5. The Defendant was employed as a staff nurse at H. N. H. from the year 2000 until September 22, 2003.

6. Between July of 2003 and September of 2003, the Defendant signed the initials of other nurses on the narcotic count records as being present during the count of narcotics when in fact those individuals did not participate in the count.

7. The Defendant was terminated from H. N. H. for unprofessional conduct on September 22, 2003, as a result of said unprofessional behavior.

8. The Defendant admitted to an investigator from the Department that she did initial other nursing staff's initials on the narcotic count records indicating that they were present during the count. Defendant also admitted that she did this because she was "just lazy" and didn't have the time to count with another nurse.

9. The Defendant did not report her termination from H. N. H. for unprofessional conduct to the Department within the mandatory reporting time.

FIRST CAUSE OF ACTION

10. Paragraphs 1 through 9 are incorporated by reference.

11. Neb. Rev. Stat. Section 71-147(10) provides that a professional license may be disciplined for unprofessional conduct.

12. Neb. Rev. Stat. Section 71-148(22) defines unprofessional conduct as "Such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the licensee....."

13. Title 172 NAC 101.007.03(19) Rules and Regulations Governing the Practice of Nursing further defines unprofessional conduct as the intentional falsification of material facts in a material document connected with the practice of nursing.

14. Defendant's conduct constitutes grounds for disciplinary action.

SECOND CAUSE OF ACTION

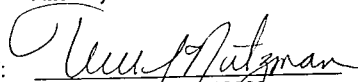
15. Paragraphs 1 through 14 are incorporated by reference.
16. Neb. Rev. Stat. Section 71-147(20) provides that a professional license may be disciplined for failing to file a report required by section 71-168.
17. Neb. Rev. Stat. Section 71-168(4)(c)(ii) provides that a professional must report his or her loss of employment due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment to the Department within thirty (30) days of the occurrence.
18. Defendant's conduct in not reporting her termination from H. N. H. for unprofessional conduct within the mandatory reporting time is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Director set this matter for hearing, order appropriate disciplinary action concerning the Defendant's license to practice as a nurse in the State of Nebraska pursuant to Neb. Rev. Stat. Sec. 71-155, and tax costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
Tel: (402) 471-3833
Attorneys for Plaintiff.