

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA BOARD OF NURSING

In the Matter of Sharon K. Patterson,  
R. N. License No. 101508-1,  
L.P.N. License No. 23674-8

FINDINGS OF FACT,  
CONCLUSIONS,  
AND RECOMMENDATION

This matter came on for a Prehearing Conference before Administrative Law Judge Beverly Jones Heydinger at 1:30 p.m. on Monday, July 10, 2000, at the offices of the Board of Nursing, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota. Thomas C. Vasaly, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, appeared for the Board. Sharon K. Patterson did not appear in person or by counsel. The record closed on the date of the Prehearing Conference.

This report is a recommendation, not a final decision. The Minnesota Board of Nursing will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61 (1998), the Board shall not make a final decision until this Report has been made available to the parties for at least ten days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact the Board at the address above to learn the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

1. During the past five years, was Ms. Patterson convicted of a gross misdemeanor reasonably related to the practice of nursing, in violation of Minn. Stat. §148.261, subd. 1(3) (Supp.1999)?

2. Is Ms. Patterson unable or potentially unable to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition, in violation of Minn. Stat. §148.261, subd. 1 (9) (Supp. 1999)?

3. Has Ms. Patterson engaged in unethical conduct, including conduct likely to deceive, defraud, or harm the public, in violation of Minn. Stat. §148.261, subd. 1(11) (Supp. 1999)?

4. Has Ms. Patterson failed to cooperate with an investigation of the Board by failing to appear at a conference, in violation Minn. Stat. §148.261, subd. 1(23) (Supp. 1999) and §148.265(Supp. 1998)?

5. Does Ms. Patterson's conduct constitute grounds for disciplinary action by the Board of Nursing?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

#### FINDINGS OF FACT

1. On June 28, 2000, the Notice of and Order for Prehearing Conference and Hearing in this matter was served upon Sharon K. Patterson, 3831 Thomas Avenue North, Apt. 2, Minneapolis, MN 55412. It notified her of the Prehearing Conference scheduled for July 10, 2000. On June 1, 2000, the Board had received a letter from Ms. Patterson, listing this as her address. This Notice of and Order for Prehearing Conference and Hearing was not returned as undelivered.

2. The Notice of and Order for Prehearing Conference and Hearing was also served on Ms. Patterson at the address listed on her 1998 application to renew her license. That address is 2757 Thomas Avenue North, Minneapolis, MN 55411. This Notice of and Order for Prehearing Conference and Hearing was returned by the United States Post Office to the Office of the Attorney General on July 3, 2000 with the notation "Return to Sender", and "Forward Time Exp."<sup>[1]</sup>

3. On July 10, 2000, Ms. Patterson failed to appear at the Prehearing Conference.

4. The Notice of and Order for Prehearing Conference and Hearing informed Ms. Patterson that if she failed to appear at the Prehearing Conference the allegations against her, set forth in the Notice of and Order for Prehearing Conference and Hearing, could be taken as true, and a default order could be issued. She was informed that such an order could result in disciplinary action, including loss of license.

5. Because Ms. Patterson failed to appear, she is in default.

6. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice of and Order for Prehearing Conference and Hearing are taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

#### CONCLUSIONS

1. The Board of Nursing and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 148.261 and 214.10 (1998).

2. The Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The facts set out in the Notice of and Order for Prehearing conference and Hearing constitute violations of Minn. Stat. §§ 148.261, subd. 1 (3), subd. 1(9), subd. 1(11) and subd. 1(23) (Supp. 1999), and 148.265 (1998).

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

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### RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Board take disciplinary action against Sharon K. Patterson, R.N., L.P.N.

Dated this 12<sup>th</sup> day of July, 2000.

S/ Beverly Jones Heydinger

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BEVERLY JONES HEYDINGER  
Administrative Law Judge

Reported: Default

## NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1 (1998), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

## MEMORANDUM

Sharon K. Patterson did not appear at the hearing to refute the allegations against her, nor did she contact the Board or the Administrative Law Judge to ask for a continuance of this matter. The facts alleged by the Board are taken as true. Absent any evidence to the contrary, the facts reasonably support the conclusions and discipline is warranted.

BJH

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<sup>[1]</sup> Affidavit of Thomas C. Vasaly, dated July 10, 2000.