

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

In the Matter of  
Sheri A. Olson, R.N.  
License No. 130948-3

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

The above-entitled matter came on for prehearing conference before Administrative Law Judge Barbara L. Neilson commencing at 1:30 p.m. on June 5, 2001, at the offices of the Board of Nursing in Minneapolis, Minnesota. Julie A. Casserly, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, appeared on behalf of the Minnesota Board of Nursing. There was no appearance by the Respondent, Sheri A. Olson, 3161 32<sup>nd</sup> Street SW, Apartment 9, Fargo, North Dakota 58103. The record closed on June 15, 2001, upon receipt of a letter filed by the Board of Nursing.

**NOTICE**

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact the Shirley A. Brekken, Executive Director, Minnesota Board of Nursing, Suite 500, 2829 University Avenue, S.E., Minneapolis, Minnesota 55414 (telephone: 612-617-2296), to ascertain the procedure for filing exceptions or presenting argument.

**STATEMENT OF ISSUE**

The issue in this case is whether or not disciplinary action should be taken against the R.N. license of the Respondent under Minn. Stat. § 148.261 or whether costs or a civil penalty should be imposed against her based upon allegations that the Respondent has an actual or potential inability to practice nursing with reasonable skill and safety to patients due to the use of alcohol, drugs, or chemicals, failed to report use of alcohol or non-prescribed mood-altering chemicals to the Health Professionals Services Program ("HPSP"), failed to make required self-reports to the HPSP, and failed to attend a conference with the Board of Nursing Review Panel or notify the Board she would be unable to attend.

Based upon the record in this matter, the Administrative Law Judge makes the following:

### **FINDINGS OF FACT**

1. On May 3, 2001, a Notice of and Order for Prehearing Conference and Hearing in this matter was mailed to the Respondent to her last known address on file with the Board: 3161 32<sup>nd</sup> Street SW, Apartment 9, Fargo, North Dakota 58103. The Notice was not returned to counsel to the Board after it was mailed.

2. The Notice of and Order for Prehearing Conference and Hearing that was mailed to the Respondent scheduled a prehearing conference for June 5, 2001, at 1:30 p.m. The Notice of and Order for Prehearing Conference and Hearing contained the following statement:

If Respondent fails to appear without the advance consent of the administrative law judge at the prehearing conference in this matter, Respondent is in default and the allegations or issues in this notice are true without further evidence and the Board may revoke, suspend, and take other action against Respondent's license to practice professional nursing in the State of Minnesota. Respondent is further notified that if disciplinary action is taken against her license, she may be required to pay all costs of proceedings resulting in the action and a civil penalty as provided by Minnesota statutes § 148.262.

3. The Respondent did not appear at the June 5, 2001, Prehearing Conference or contact the Administrative Law Judge to request a continuance. No Notice of Appearance was filed by Respondent in this matter.

4. The allegations set forth in the Notice of and Order for Prehearing Conference and Hearing, having been deemed proved and taken as true, are hereby incorporated into these Findings by reference.

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

### **CONCLUSIONS**

1. The Minnesota Board of Nursing and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 214.10, 214.103 and 14.50.

2. The Respondent was given timely and proper notice of the Prehearing Conference in this matter.

3. The Minnesota Board of Nursing has complied with all relevant substantive and procedural requirements of statute and rule.

4. Under Minn. Rules 1400.6000, the Respondent is in default as a result of her failure to appear at the scheduled prehearing conference.

5. Under Minn. Rule 1400.6000, when a party defaults, the allegations and the issues set out in the Notice of and Order for Prehearing Conference and Hearing may be taken as true and deemed proved. The Administrative Law Judge therefore takes those allegations and issues as true and deemed proved.

6. Based upon the facts set out in the Notice of and Order for Prehearing Conference and Hearing, the Respondent has violated Minn. Stat. §§ 148.261, subd. 1 (9) and (23) and 148.265, and is subject to disciplinary action by the Minnesota Board of Nursing.

7. An order by the Board prescribing disciplinary action against the Respondent is in the public interest.

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

**RECOMMENDATION**

IT IS HEREBY RESPECTFULLY RECOMMENDED: that appropriate disciplinary action be taken against Sheri A. Olson by the Minnesota Board of Nursing.

Dated: June 22, 2001

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BARBARA L. NEILSON  
Administrative Law Judge

Reported: Default.

**ADDITIONAL NOTICE**

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