

**BOARD OF NURSING
MEETING MINUTES
OCTOBER 13, 2016**

PRESENT: Paul Abegglen, Peter Kallio (*via GoToMeeting, excused from the meeting at 9:10 a.m.*), Jodi Johnson, Maria Joseph (*was excused from the meeting at 11:50 a.m.*), Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka (*via GoToMeeting*), Cheryl Streeter

STAFF: Dan Williams, Executive Director; Nilajah Hardin, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Jeffrey Miller called the meeting to order at 8:02 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda:

- *Under L.2. b. Proposed Stipulations, Final Decisions and Orders: Item 1. corrected to read: "15 NUR 028 (T.E.C.)"*

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to adopt the agenda as amended. Motion carried unanimously.

PETITION FOR SUMMARY SUSPENSION AND DESIGNATION OF HEARING OFFICIAL

APPEARANCE: DLSC Staff - 16 NUR 369 – Dawn Jones

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Dawn Jones, DLSC Case number 16 NUR 369)

APPROVAL OF MINUTES OF SEPTEMBER 8, 2016

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to approve the minutes of September 8, 2016 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Request for Authorization to Plan a School of Nursing

Herzing University - Kenosha

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to acknowledge and thank Michelle Metzger and Jeff Hill from Herzing University-Kenosha for their appearance before the Board. Motion carried unanimously.

MOTION: Sheryl Krause moved, seconded by Jodi Johnson, to approve the request of Herzing University-Kenosha for authorization to Plan a School of Nursing. Motion carried unanimously.

College of Menominee Nation Inactivation Letter

MOTION: Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge the letter from the College of Menominee Nation regarding nursing school closure. Motion carried unanimously.

Peter Kallio was excused from the meeting at 9:10 a.m.

CLOSED SESSION

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Jeffrey Miller, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Abegglen-yes; Jodi Johnson-yes; Maria Joseph-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Lillian Nolan-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:24 a.m.

RECONVENE TO OPEN SESSION

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:35 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to affirm all motions made in closed session. Motion carried unanimously.

PETITION FOR SUMMARY SUSPENSION AND DESIGNATION OF HEARING OFFICIAL

16 NUR 369 – Dawn Jones

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Dawn Jones, DLSC Case number 16 NUR 369)

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to find that notice was given to Dawn Jones, DLSC case number 16 NUR 369, of the Summary Suspension proceedings pursuant to Wis. Admin. Code § SPS 6.05. Motion carried. Recused: Jeffrey Miller

MOTION: Lillian Nolan moved, seconded by Jodi Johnson, to find probable cause to believe that Dawn Jones, Respondent, has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of the Respondent's license and to issue the Order of Summary Suspension in the matter of disciplinary proceedings against Respondent, DLSC case number 16 NUR 369, pursuant to Wis. Admin. Code § SPS 6.06. Motion carried. Recused: Jeffrey Miller

- MOTION:** Lillian Nolan moved, seconded by Jodi Johnson, to designate a Hearing Official for any hearing to show cause in the matter of the Summary Suspension of Dawn Jones, Respondent, DLSC case number 16 NUR 369, pursuant to Wis. Admin. Code §§ SPS 6.09 and 6.11. Motion carried. Recused: Jeffrey Miller
- MOTION:** Cheryl Streeter moved, seconded by Maria Joseph, to authorize Sheryl Krause as having the authority to act on behalf of the Board to review, approve and sign the Summary Suspension Order and Order Designating Hearing Official in the matter of the Summary Suspension of Dawn Jones, Respondent, DLSC case number 16 NUR 369. Motion carried. Recused: Jeffrey Miller
- MOTION:** Paul Abegglen moved, seconded by Cheryl Streeter, to authorize the Executive Director, to sign on behalf of Sheryl Krause in regards to the Summary Suspension of Dawn Jones, Respondent, DLSC case number 16 NUR 369. Motion carried. Recused: Jeffrey Miller
- MOTION:** Paul Abegglen moved, seconded by Jodi Johnson, to request DLSC to immediately notify Dawn Jones and her current employer of her suspended license. Motion carried. Recused: Jeffrey Miller

CREDENTIALING MATTERS

Danny Knutson – Registered Nurse Application

- MOTION:** Luann Skarlupka moved, seconded by Maria Joseph, to deny the Registered Nurse application of Danny Knutson, for **Reason for Denial:** Denial of full licensure per Wis. Stat. 441.07(1g)(b) and (c) and Wis. Admin. Code § N 7.03(6)(b). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Administrative Warnings

16 NUR 318 – S.L.B.

- MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to issue an Administrative Warning in the matter of 16 NUR 318 (S.L.B.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

- MOTION:** Cheryl Streeter moved, seconded by Jodi Johnson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:
1. 15 NUR 387 (G.E.C.)
 2. 15 NUR 652 and 16 NUR 037 (P.J.R.)
 3. 16 NUR 008 (D.E.T.)
 4. 16 NUR 106 (D.M.M.)
 5. 16 NUR 190 (J.K.R.)
 6. 16 NUR 190 (L.K.B.)
 7. 16 NUR 355 (K.S.M.)
- Motion carried unanimously.

14 NUR 383 – L.C.H.

MOTION: Lillian Nolan moved, seconded by Sheryl Krause, to **table** the matter of disciplinary proceedings against L.C.H., DLSC case number 14 NUR 383 pending receipt of further information. Motion carried unanimously.

DLSC Attorney Kim Kluck***Administrative Warnings*****16 NUR 379 – B.A.A.**

MOTION: Sheryl Krause moved, seconded by Paul Abegglen, to issue an Administrative Warning in the matter of 16 NUR 379 (B.A.A.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 NUR 028 (T.E.C.)
2. 15 NUR 298 (K.H.)
3. 16 NUR 150 (C.L.R.)
4. 16 NUR 199 (K.E.J.)
5. 16 NUR 286 (C.M.S.)
6. 16 NUR 300 (J.R.G.)
7. 16 NUR 309 (G.D.N.)

Motion carried unanimously.

Case Closures

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to close the DLSC cases for the reasons outlined below:

1. 16 NUR 088 – Prosecutorial Discretion (P2)
2. 16 NUR 325 – Prosecutorial Discretion (P7)
3. 15 NUR 697 – Lack of Jurisdiction (L2)
4. 15 NUR 677 – Insufficient Evidence
5. 15 NUR 473 – No Violation
6. 15 NUR 155 (Mosley) – No Violation
7. 15 NUR 155 (Chi) – Insufficient Evidence
8. 15 NUR 155 (Williams) – No Violation
9. 15 NUR 155 (Kirksey) – No Violation
10. 15 NUR 155 (Nwachukwu) – Insufficient Evidence
11. 15 NUR 155 (Johnson) – Insufficient Evidence
12. 15 NUR 155 (Rocker) – No Violation
13. 15 NUR 155 (Harris) – Insufficient Evidence
14. 15 NUR 155 (Buckingham) – Prosecutorial Discretion (P1)
15. 15 NUR 555 – Insufficient Evidence
16. 16 NUR 439 – No Violation
17. 15 NUR 688 – No Violation
18. 16 NUR 140 – Prosecutorial Discretion (P2)
19. 15 NUR 447 – Prosecutorial Discretion (P6)

- 20. 15 NUR 518 – Prosecutorial Discretion (P3)
 - 21. 16 NUR 302 – No Violation
 - 22. 16 NUR 196 – Lack of Jurisdiction (L2)
 - 23. 16 NUR 111 – Prosecutorial Discretion (P2)
 - 24. 16 NUR 485 – Prosecutorial Discretion (P7)
 - 25. 15 NUR 663 – Prosecutorial Discretion (P5-Flag)
 - 26. 16 NUR 079 – Prosecutorial Discretion (P5-Flag)
 - 27. 16 NUR 301 – Prosecutorial Discretion (P2)
- Motion carried unanimously.

Maria Joseph was excused from the meeting at 11:50 a.m.

Monitoring

Mary Appel, R.N. – Requesting Full Licensure

MOTION: Paul Abegglen moved, seconded by Lillian Nolan, to grant the request of Mary Appel, R.N. for full licensure. Motion carried unanimously.

Debra Behselich, R.N. – Requesting Full Licensure

MOTION: Lillian Nolan moved, seconded by Sheryl Krause, to grant the request of Debra Behselich, R.N., L.P.N. for full licensure. Motion carried unanimously.

Melissa Carson, L.P.N. – Requesting Full Licensure

MOTION: Cheryl Streeter moved, seconded by Jodi Johnson, to grant the request of Melissa Carson, L.P.N. for full licensure. Motion carried.

Karen Cositgan, R.N. – Requesting Reduction in Drug and Alcohol Screens

MOTION: Lillian Nolan moved, seconded by Luann Skarlupka, to grant the request of Karen Costigan, R.N. for a reduction in drug screens to 36 per year. Motion carried unanimously.

Kristine Kennedy, R.N. – Requesting Modification of Practice Limitations and Reduction in Screens

MOTION: Sheryl Krause moved, seconded by Luann Skarlupka, to grant the request of Kristine Kennedy, R.N. for access to controlled substances. The Board denies the request of Kristine Kennedy, R.N. for termination of the direct supervision requirement and a reduction in drug and alcohol screens. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (01/10/2013). Motion carried unanimously.

Lisa Morgan, R.N. – Requesting Full Licensure (or Reduction in Drug Screens)

MOTION: Sheryl Krause moved, seconded by Lillian Nolan, to grant the request of Lisa Morgan, R.N. for a reduction in drug and alcohol screens to 12 per year and one annual hair test. The Board denies the request of Lisa Morgan, R.N. for full licensure. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (05/14/2015). Motion carried unanimously.

David Ortiz, R.N. – Requesting Reduction in Screens, Access to Controlled Substances, and Termination of AA/NA Meetings

MOTION: Paul Abegglen moved, seconded by Sheryl Krause, to grant the request of David Ortiz, R.N. for access to controlled substances. The Board denies the request of David Ortiz, R.N. for a reduction in drug and alcohol screens and AA/NA meeting attendance. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (10/10/2013). Motion carried unanimously.

Judy Story, R.N. – Requesting Full Licensure

MOTION: Cheryl Streeter moved, seconded by Luann Skarlupka, to deny the request of Judy Story, R.N. for full licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply with the complete terms and conditions of the original Board Order (04/10/2014). Motion carried unanimously.

ADJOURNMENT

MOTION: Cheryl Streeter moved, seconded by Jodi Johnson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:40 p.m.