

**BOARD OF NURSING
MEETING MINUTES
NOVEMBER 4, 2010**

- PRESENT:** Kay Coppens, Maria Joseph, Evelyn Merriett, Julia Nelson, Steven Rush, Kathleen Sullivan (arrived at 9:28 a.m.), Lou Ann Weix
- EXCUSED:** Gretchen Lowe, Nelson Soler
- STAFF:** Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff
- GUESTS:** Judy Warmuth, Wisconsin Hospital Association (WHA); Elizabeth Markham, Bryant & Stratton College; Amanda Beal and Jenna Steffes, Edgewood College-School of Nursing; Wisconsin Association of Nurse Anesthetists (WANA); Tracy Seiler Schultz, Herzing University; Connie J. Boerst, Bellin College – WACSN; Gina Dennik-Champion and Nafeesah Jor'dan, Wisconsin Nurses Association (WNA)

CALL TO ORDER

Lou Ann Weix, Vice Chair, called the meeting to order at 9:17 a.m. A quorum of six (6) members was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- After Item “A” (open session) Following the item titled “Administrative Report” **ADD:** “APPEARANCE 9:15 A.M. – Jeanette Lytle, DOE Attorney, Presentation of Petition for Summary Suspension in the Matter Concerning Michael L. Raymond, RN (DOE Case # 10 NUR 371)”
- After Item “N” (closed session) Under the item titled “Deliberation of Monitoring Received After Mailing of the Agenda” **ADD:**
 1. Mary Weber, RN – Requesting Stay
 2. Kimberly Roders, LPN – Requesting Modification
 3. Melissa Carson, LPN – Requesting Modification
 4. Jennifer Flegel, RN – Requesting Modification
 5. Marcus Connelly, LPN – Consideration of Violation of Order
- After Item “W” (closed session) Under the item titled “Deliberation of Proposed Stipulations Received After Mailing of Agenda” **ADD:**
 - Michelle J. Basiks, RN (DOE Case # 09 NUR 037)
 - Leah M. Hallada, RN (DOE Case # 10 NUR 107)
 - Julienne Zittlow, RN (DOE Case # 09 NUR 305)
- After Item “DD” (closed session) Under the item titled “Deliberation of Proposed Final Decisions and Orders in the Matter of Disciplinary Proceedings Received After Mailing of the Agenda” **ADD:**
 - Lisa Kay Dewall, R.N., Respondent, Division of Hearings and Appeals (DHA) Case # DRL-10-0024, DOE Case # 08 NUR 195 – Consideration of Variance to Proposed Decision and Order

- After Item “DD” (closed session) Following the item titled “Deliberation of Proposed Final Decisions and Orders in the Matter of Disciplinary Proceedings Received After Mailing of the Agenda” **ADD:** the item titled “Deliberation of Petition for Summary Suspension” for:
- Michael L. Raymond, RN/DOE Case # 10 NUR 371

MOTION: Kay Coppens moved, seconded by Steven Rush, to approve the agenda of November 4, 2010 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 14, 2010

MOTION: Evelyn Merriett moved, seconded by Steven Rush, to approve the minutes of October 14, 2010 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jeff Scanlan informed the Board that a change in the current Department Administration is anticipated as a result of the recent gubernatorial elections. He expressed his pleasure at having the opportunity to work with the Board.

Jeff Scanlan indicated that the Department has turned a corner with respect to gaining compliance with reporting requirements and monitoring of incoming communication from other jurisdictions. He informed the Board that the Department is signing a NURSUS contract that will help to eliminate the need for staff to dual report nursing actions. He also noted that the Department has received a grant from NURSUS so that Wisconsin can match its database with the information provided on the NURSUS databank.

JEANETTE LYTLE, DOE ATTORNEY, PRESENTATION OF PETITION FOR SUMMARY SUSPENSION IN THE MATTER CONCERNING MICHAEL L. RAYMOND, RN DOE CASE # 10 NUR 371

Jeanette Lytle, DOE Attorney, presented a petition for summary suspension in the matter concerning Michael L. Raymond, RN (10 NUR 371). Attorney Michael J. Herbert, representation for Michael L. Raymond, RN, appeared before the Board to provide oral arguments. The respondent did not appear before the Board at today's meeting.

(Kathleen Sullivan joined the meeting at 9:28 a.m.)

DISCUSSION ON NOTIFICATION OF BOARD MEMBERS BY DEPARTMENT OF NEW CASES ASSIGNED TO CASE ADVISORS UNDER THE NEW CASE ADVISOR POLICY – DENNIE PETERSEN, COMPLAINT INTAKE SUPERVISOR – DIVISION OF ENFORCEMENT (DOE)

Dennie Petersen, DOE, appeared before the Board to report that the DOE management team has decided not to grant the Board's request for certain documentation to be included with the case advisor assignment notification. She indicated that the case advisor process changed very recently and the DOE management team feels that more time is needed to assess the need for changes to the process. Dennie Petersen indicated that the case advisor process will be evaluated once the new policy has been in effect for six (6) months and indicated that DOE will be requesting feedback from the Board in March of 2011. In the interim, Dennie Petersen indicated that case advisors can request additional information from the Department as the need is identified.

The Board discussed the decision made by the DOE management team and asked Dennie Petersen a number of questions regarding the process. The Board requested that the DOE Nursing Team appear at its March 2011 meeting to discuss the case advisor process.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Steven Rush, Education and Licensure Committee Chair, reported to the Board regarding the actions taken at the today's meeting.

Review of Wisconsin Lutheran College Course Self-Evaluations for BIO 240, NUR 200 and NUR 325

COMMITTEE MOTION: Lou Ann Weix moved, seconded by Evelyn Merriett, to recommend that Wisconsin Lutheran College provide their entire program evaluation by January 2011. Motion carried unanimously.

BOARD MOTION: Lou Ann Weix moved, seconded by Julia Nelson, to accept the recommendation that Wisconsin Lutheran College provide their entire program evaluation by January 2011. Motion carried unanimously.

Review of Bryant and Stratton College's Plan to Correct Over-enrollment at the Wauwatosa (Milwaukee West) Campus

COMMITTEE MOTION: Maria Joseph moved, seconded by Evelyn Merriett, to recommend that a report on the enrollment status of Bryant and Stratton be submitted by February 2011 for review at the Committee's March 2011 meeting. Motion carried unanimously.

BOARD MOTION: Lou Ann Weix moved, seconded by Evelyn Merriett, to accept the recommendation that a report on the enrollment status of Bryant and Stratton be submitted by February 2011 for review at the Committee's March 2011 meeting. Motion carried unanimously.

REPORT OF PRACTICE COMMITTEE

Jeff Scanlan indicated that no action was taken by the Practice Committee that requires action on the part of the Board. He reported to the Board regarding the topics discussed at today's Practice Committee meeting.

PUBLIC COMMENTS

Steven Rush acknowledged that two students from his school are present at this meeting to observe the meeting as part of a class assignment.

Gina Dennik-Champion, WNA, took the opportunity to introduce Nafeesah Jor'dan to the Board and noted that Ms. Jor'dan is currently working to complete her RN to BSN program at UW Oshkosh.

CLOSED SESSION

MOTION: Steven Rush moved, seconded by Evelyn Merriett, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Kay Coppens-yes; Maria Joseph-yes; Evelyn Merriett-yes; Julia Nelson-yes; Steven Rush-yes; Kathleen Sullivan-yes; and Lou Ann Weix-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:59 a.m.

RECONVENE TO OPEN SESSION

MOTION: Julia Nelson moved, seconded by Maria Joseph, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:54 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Kay Coppens moved, seconded by Evelyn Merriett, to reaffirm all motions made in closed session. Motion carried unanimously.

MONITORING

**BEVERLY WILLIAMS, LPN
REQUESTING REINSTATEMENT**

Beverly Williams, LPN, did not appear before the Board as scheduled.

MOTION: Steven Rush moved, seconded by Kay Coppens, to reaffirm the denial Beverly Williams, LPN's request for reinstatement. **Reason for Denial:** Failure to submit satisfactory petition and evidence of compliance with the Board Order. Motion carried unanimously.

**RICK WASCHBISCH, RN
REQUESTING FULL LICENSE OR MODIFICATION**

Rick Waschbisch, RN, came before the Board in support of his request for full license or modification of his existing order.

MOTION: Lou Ann Weix moved, seconded by Kay Coppens, to deny Rick Waschbisch, RN's request for full licensure or modification. **Reason for Denial:** Lack of compliance with Board Order. Motion carried unanimously.

**PAM DEVINE, RN
REQUESTING STAY**

Pam Devine, RN, came before the Board in support of her request for stay of suspension.

MOTION: Steven Rush moved, seconded by Evelyn Merriett, to deny Pam Devine, RN's request for a stay of suspension. The Board indicated that a request for stay of suspension will not be considered until Ms. Devine can demonstrate three months of compliance with the Board Order and successfully completes of a psychological evaluation by an approved provider. **Reason for Denial:** Lack of compliance with Board Order. Motion carried unanimously.

**DAVENE ROW, RN
REQUESTING FULL LICENSE**

MOTION: Julia Nelson moved, seconded by Lou Ann Weix, to deny Davene Row, RN's request for full licensure. The Board indicated that Ms. Row should not petition the Board until she has demonstrated one year of compliance with her Order. **Reason for Denial:** Insufficient time under Board Order. Motion carried unanimously.

**JESSIE RAYNE, RN
REQUESTING STAY AND/OR MODIFICATION**

MOTION: Julia Nelson moved, seconded by Lou Ann Weix, to deny Jessie Rayne RN's request for stay of suspension and modifications to Board Order. The Board requested that Ms. Rayne submit prescriptions for Propoxyphene and Codine, and therapy reports. **Reason for Denial:** Non-compliance with Board Order. Motion carried unanimously.

**LARISA KLEIN, RN
REQUESTING MODIFICATION**

MOTION: Lou Ann Weix moved, seconded by Evelyn Merriett, to grant Larisa Klein, RN's request for termination of therapy requirements, and a reduction in the frequency of drug screens to twenty-eight (28) per year with one (1) annual hair test. Motion carried unanimously.

**JAMES LARSON, RN
REQUESTING MODIFICATION**

MOTION: Evelyn Merriett moved, seconded by Lou Ann Weix, to deny James Larson, RN's request for a reduction in the frequency of drug screens and to grant a termination of the therapy requirement. The Board reminded Mr. Larson that he is required to complete drug screens at a frequency of twenty-eight (28) per year with one (1) annual hair test, for an additional two (2) years, before the Board will consider a request for reduction. **Reason for Denial:** Amount of time under Board Order. Motion carried unanimously.

**KELLY SCHLEUSENER, RN
REQUESTING MODIFICATION**

MOTION: Lou Ann Weix moved, seconded by Julia Nelson, to grant Kelly Schleusener, RN's request for reduction in the frequency of drug screens to twenty-eight (28) per year with one (1) annual hair test and for termination of therapy requirements. The Board noted that Ms. Schleusener will be required to complete drug screens at a frequency of twenty-eight (28) per year with one (1) annual hair test, for a period of three (3) years, before the Board will consider a request for reduction. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

**MARY WEBER, RN
REQUESTING STAY**

MOTION: Steven Rush moved, seconded by Evelyn Merriett, to grant Mary Weber, RN's request for stay of suspension. Motion carried unanimously.

**KIMBERLY RODERS, LPN
REQUESTING MODIFICATION**

MOTION: Julia Nelson moved, seconded by Kay Coppens, to grant Kimberly Roders, LPN's request for termination of therapy requirements and a reduction in the frequency of drug screens to twenty-eight (28) per year with one (1) annual hair test. The Board noted that Ms. Roders will be required to complete drug screens at a frequency of twenty-eight (28) per year with one (1) annual hair test, for a period of three (3) years, before the Board will consider a request for reduction. Motion carried unanimously.

**MELISSA CARSON, LPN
REQUESTING MODIFICATION**

MOTION: Julia Nelson moved, seconded by Steve Rush, to grant Melissa Carson, LPN an extension of one (1) year to pay costs. Motion carried unanimously.

**JENNIFER FLEGEL, RN
REQUESTING MODIFICATION**

MOTION: Lou Ann Weix moved, seconded by Kay Coppens, to grant Jennifer Flegel, RN's request for a ninety (90) day extension to her payment plan. Motion carried unanimously.

**MARCUS CONNELLY, LPN
CONSIDERATION OF VIOLATION OF ORDER**

MOTION: Steven Rush moved, seconded by Maria Joseph, to suspend the license of Marcus Connelly, LPN for non-compliance with, and violation of Board Order. The Board requires an updated psychological evaluation from his previous provider at Pine Psychological Services to be submitted to the Department Monitor. Any petition for a removal of suspension will not be considered by the Board until he can demonstrate compliance with the terms of his Order, with sufficient time for the Board to review any relevant documentation, and he must submit proof that he has complied with a DHS rehabilitation review. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

1. William A. Clifford, R.N. (DOE Case # 07 NUR 134)
2. Lisa M. Emerich, L.P.N. (DOE Case # 10 NUR 376)
3. Beverly J. Hagen, L.P.N. (DOE Case # 10 NUR 341)
4. Shauna L. Haworth, R.N. (DOE Case # 10 NUR 103)
5. Kimberly K. Krueger, R.N. (DOE Case # 10 NUR 064)
6. Michelle M. Obermueller, L.P.N. (DOE Case # 10 NUR 221)
7. Linda L. Pavelka, R.N. (DOE Case # 07 NUR 405)
8. Mary K. Pisula, R.N. (DOE Case # 07 NUR 407)
9. Kelly Ann Schmidt, R.N. (DOE Case #'s 08 NUR 194 and 10 NUR 197)

MOTION: Lou Ann Weix moved, seconded by Evelyn Merriett, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against the individuals listed above. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS RECEIVED
AFTER MAILING OF AGENDA**

1. Michelle J. Basiks, RN (DOE Case # 09 NUR 037)
2. Leah M. Hallada, RN (DOE Case # 10 NUR 107)
3. Julienne Zittlow, RN (DOE Case # 09 NUR 305)

MOTION: Steven Rush moved, seconded by Julia Nelson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against the individuals listed above. Motion carried unanimously.

DELIBERATION OF ISSUANCE OF ADMINISTRATIVE WARNINGS

1. 07 NUR 070
2. 07 NUR 071
3. 10 NUR 381

MOTION: Steven Rush moved, seconded by Maria Joseph, to issue an administrative warning in the matter of the case number's listed above. Motion carried unanimously.

DELIBERATION OF ORDERS FIXING COSTS

Tracy L. Esposito, Respondent – Order # 0000375, Division of Hearings and Appeals (DHA) Case # DRL-10-0022, DOE Case # 08 NUR 346

MOTION: Lou Ann Weix moved, seconded by Kay Coppens, to accept the order fixing costs in the matter of Tracy L. Esposito, Respondent – Order # 0000375, Division of Hearings and Appeals (DHA) Case # DRL-10-0022, DOE Case # 08 NUR 346. Motion carried unanimously.

Yasmin Pave, R.N., Respondent, – Order # 0000374, Division of Hearings and Appeals (DHA) Case # DRL-10-0021, DOE Case #'s 07 NUR 046 & 07 NUR 451

MOTION: Julia Nelson moved, seconded by Evelyn Merriett, to accept the order fixing costs in the matter of Yasmin Pave, R.N., Respondent, – Order # 0000374, Division of Hearings and Appeals (DHA) Case # DRL-10-0021, DOE Case #'s 07 NUR 046 & 07 NUR 451. Motion carried unanimously.

Sylvia A. Roberson, L.P.N., Respondent – Order # 0000377, Division of Hearings and Appeals (DHA) Case # DRL-10-0030, DOE Case # 08 NUR 383

MOTION: Steven Rush moved, seconded by Evelyn Merriett, to accept the order fixing costs in the matter of Sylvia A. Roberson, L.P.N., Respondent – Order # 0000377, Division of Hearings and Appeals (DHA) Case # DRL-10-0030, DOE Case # 08 NUR 383. Motion carried unanimously.

DELIBERATION OF PROPOSED FINAL DECISION AND ORDERS

Audrey C. McBriar, R.N., Respondent – Division of Hearings and Appeals (DHA) Case # DRL-10-0053, DOE Case # 09 NUR 356

MOTION: Steven Rush moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Audrey C. McBriar, R.N., Respondent – DHA Case # DRL-10-0053, DOE Case # 09 NUR 356. Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS IN THE MATTER OF
DISCIPLINARY PROCEEDINGS RECEIVED
AFTER MAILING OF AGENDA**

Lisa Kay Dewall, R.N., Respondent, Division of Hearings and Appeals (DHA) Case # DRL-10-0024, DOE Case # 08 NUR 195 – Consideration of Variance to Proposed Decision and Order

MOTION: Steven Rush moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law, the Final Decision and Order with variance in the matter of disciplinary proceedings against Lisa Kay Dewall, R.N., Respondent, DHA Case # DRL-10-0024, DOE Case # 08 NUR 195. Motion carried unanimously.

DELIBERATION OF PETITION FOR SUMMARY SUSPENSION

**MICHAEL L. RAYMOND, RN
10 NUR 371**

MOTION: Evelyn Merriett moved, seconded by Kay Coppens, to confirm a finding of probable cause to issue the petition for summary suspension on the basis that the respondent's conduct poses an imminent danger to the public and to adopt the order of summary suspension in the matter of disciplinary proceedings against Michael L. Raymond, RN (10 NUR 371). Motion carried. Abstained: Julia Nelson

(Julia Nelson left the room for deliberation of the summary suspension and abstained from voting in this matter.)

**DIVISION OF ENFORCEMENT
CASE STATUS REPORT & CASE CLOSINGS**

1. 10 NUR 461 – Prosecutorial Discretion (P7)
2. 10 NUR 316 – No Violation
3. 10 NUR 320 – Insufficient Evidence
4. 10 NUR 188 – Insufficient Evidence
5. 10 NUR 277 – Prosecutorial Discretion (P2)
6. 10 NUR 342 – Prosecutorial Discretion (P2)
7. 10 NUR 380 – No Violation
8. 10 NUR 228 – Prosecutorial Discretion (P5)
9. 10 NUR 253 – Prosecutorial Discretion (P2)
10. 10 NUR 259 & 10 NUR 260 – Insufficient Evidence

MOTION: Steven Rush moved, seconded by Kay Coppens, to close the cases as identified above. Motion carried unanimously.

MOTION: Kay Coppens moved, seconded by Julia Nelson, not to close cases 10 NUR 232 & 10 NUR 233. Motion carried unanimously.

ADJOURNMENT

MOTION: Steven Rush moved, seconded by Julia Nelson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:55 p.m.