

**BOARD OF NURSING  
MEETING MINUTES  
June 11, 2015**

**PRESENT:** Paul Abegglen, Maria Joseph, Peter Kallio, Sheryl Krause, Jeffrey Miller, Luann Skarlupka, Cheryl Streeter

**EXCUSED:** Lillian Nolan, Julie Ellis

**STAFF:** Dan Williams, Executive Director; Nilajah Madison-Head, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Jeffrey Miller called the meeting to order at 8:00 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF THE AGENDA**

**MOTION:** Peter Kallio moved, seconded by Luann Skarlupka, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 14, 2015**

**MOTION:** Luann Skarlupka moved, seconded by Peter Kallio, to approve the minutes of May 14, 2015 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**MOTION:** Peter Kallio moved, seconded by Sheryl Krause, to acknowledge and thank Julie Ellis for her four years of service to the Board of Nursing. Motion carried unanimously.

**EDUCATION AND EXAMINATION MATTERS**

**NCLEX Pass Rate Analysis and Plan for Improvement of First Time Test Taker Rates**

*Milwaukee School of Engineering (MSOE) – School of Nursing*

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to acknowledge and thank Deb Jenks from MSOE School of Nursing, for her appearance before the Board. Motion carried unanimously.

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to acknowledge receipt of the NCLEX pass rate analysis and plan for improvement of first time test taker rates for MSOE School of Nursing. Motion carried unanimously.

*UW-Milwaukee*

**MOTION:** Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge and thank Kim Litwack from UW-Milwaukee, for her appearance before the Board. Motion carried unanimously.

**MOTION:** Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge receipt of the NCLEX pass rate analysis and plan for improvement of first time test taker rates for UW-Milwaukee. Motion carried unanimously.

<b>2015 LIAISON APPOINTMENTS</b>	
Board Education Liaison(s)	Sheryl Krause

**MOTION:** Maria Joseph moved, seconded by Luann Skarlupka, to acknowledge the Chair’s appointment of the Board Education Liaison. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**Update on Legislation and Pending or Possible Rulemaking Projects**

**MOTION:** Cheryl Streeter moved, seconded by Maria Joseph, to authorize Jeffrey Miller, who may be joined by one of the following: Sheryl Krause, Luann Skarlupka, Paul Abegglen, Peter Kallio and Jodi Johnson, to meet with legislators to discuss Board of Nursing statutes and rules. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)**

**MOTION:** Maria Joseph moved, seconded by Peter Kallio, to designate Luann Skarlupka and Sheryl Krause with Paul Abegglen, Lillian Nolan, and Jodi Johnson as alternates to attend the 2015 NCSBN Annual Meeting on August 18-21, 2015 in Chicago, IL and to authorize travel. Motion carried unanimously.

**MOTION:** Peter Kallio moved, seconded by Maria Joseph, to acknowledge the work of the presentation workgroup and to approve the project as revised. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Maria Joseph moved, seconded by Paul Abegglen, 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; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:32 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Peter Kallio moved, seconded by Luann Skarlupka, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:27 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Maria Joseph moved, seconded by Luann Skarlupka, to affirm all motions made in closed session. Motion carried unanimously.

**REVIEW OF ADMINISTRATIVE WARNING****APPEARANCE - WARN00000284, DLSC case # 14 NUR 601 – S.A.P**

**MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to affirm the administrative warning in the matter of DLSC case number 14 NUR 601 (S.A.P.). Motion carried. Recused: Cheryl Streeter

*(Cheryl Streeter recused herself and left the room for deliberation, and voting in the matter concerning 14 NUR 601 (S.A.P.).)*

**DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS****Monitoring Matters*****APPEARANCE – Laura Feichtner, R.N. – Requesting Full Licensure***

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to deny the request of Laura Feichtner, R.N. for full licensure. **Reason for Denial:** The respondent has not demonstrated continuous successful compliance under the terms of the Order (10/20/2011) for at least two years. Motion carried unanimously.

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

**MOTION:** Luann Skarlupka moved, seconded by Cheryl Streeter, to deny the request of Melissa Carson, L.P.N. for full licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance (i.e. work reports). Respondent needs to fully comply with the terms and conditions of the original Board Order (05/06/2010) for at least one year before the Board will consider further petitions for modification. Motion carried unanimously.

***Linda Galarza, R.N. – Requesting Full Licensure***

**MOTION:** Sheryl Krause moved, seconded by Peter Kallio, to deny the request of Linda Galarza, R.N. for full licensure. **Reason for Denial:** The respondent has not demonstrated continuous successful compliance under the terms of the Order (04/02/2009) for at least five years, including 600 hours of active nursing for every year the suspension is stayed. Motion carried unanimously.

***Regina Young, R.N. – Requesting Modifications***

**MOTION:** Sheryl Krause moved, seconded by Maria Joseph, to **deny** the request of Regina Young, R.N. for reduction in AA/NA meetings and access to controlled substances. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (08/08/2003). The Board **grants** a reduction in drug and alcohol testing to 14 per year and one annual hair while the respondent is not working as a nurse. The Board reserves the right to increase drug, alcohol, and hair testing once the respondent obtains employment as a nurse. Motion carried unanimously.

**DLSC Attorney Amanda Florek**

***Proposed Stipulations, Final Decisions and Orders***

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

1. 13 NUR 595 (K.S.H.)
2. 14 NUR 026 (D.J.S.)
3. 14 NUR 026 (N.K.K.)
4. 14 NUR 593 (K.M.B.)
5. 14 NUR 640 (J.L.N.)
6. 14 NUR 640 (M.S.A.)
7. 14 NUR 645 (C.A.E.)
8. 15 NUR 082 (M.L.S.)
9. 15 NUR 109 (N.L.J.)

Motion carried unanimously.

*Administrative Warnings*

**MOTION:** Peter Kallio moved, seconded by Maria Joseph, to issue an Administrative Warning in the following matters:

1. 15 NUR 030 (J.M.H.)
2. 15 NUR 070 (D.L.N.)
3. 15 NUR 113 (C.A.H.)

Motion carried unanimously.

**DLSC Attorney Kim Kluck**

*Proposed Stipulations, Final Decisions and Orders*

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 NUR 665 (M.L.)
2. 13 NUR 687 (S.L.S.)
3. 15 NUR 038 (K.L.P.)
4. 15 NUR 057 (A.S.S.)
5. 15 NUR 107 (K.O.B.)

Motion carried unanimously.

*Administrative Warnings*

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to issue an Administrative Warning in the following matters:

1. 13 NUR 714 (G.G.)
2. 13 NUR 714 (N.V.R.)
3. 15 NUR 108 (D.R.S.)
4. 15 NUR 130 (S.A.J.)
5. 15 NUR 159 (J.L.G.)
6. 15 NUR 172 (C.D.O.)
7. 15 NUR 172 (V.R.)

Motion carried unanimously.

**Case Closures**

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to close the DLSC cases for the reasons outlined below:

1. 15 NUR 248 – No Violation (NV)
2. 15 NUR 101 – Prosecutorial Discretion (P2)
3. 13 NUR 595 (M.L.S.) – Prosecutorial Discretion (P5 – Flag)
4. 15 NUR 032 – Insufficient Evidence (IE)
5. 15 NUR 034 – Insufficient Evidence (IE)
6. 15 NUR 022 – Insufficient Evidence (IE)
7. 14 NUR 015 – No Violation (NV)
8. 14 NUR 341 – Insufficient Evidence (IE)
9. 14 NUR 465 – Insufficient Evidence (IE)
10. 15 NUR 235 – Prosecutorial Discretion (P7)

Motion carried unanimously.

**PROPOSED FINAL DECISION AND ORDER, AND OBJECTIONS**

**Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003)**

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003) with the following variance. The Board finds that appropriate costs are 80% based on the facts and circumstances of this case. Motion carried. Recused: Jeffrey Miller

**MOTION:** Peter Kallio moved, seconded by Cheryl Streeter, to designate Paul Abegglen to review, approve, and sign the Order with Variance in the matter of disciplinary proceedings against Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003). Motion carried. Recused: Jeffrey Miller

*(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003).)*

**ORDER FIXING COSTS**

**Eric L. Nielsen, R.N. (ORDER0003901)(DHA Case # SPS-14-0047)(DLSC Case # 12 NUR 368)**

**MOTION:** Sheryl Krause moved, seconded by Paul Abegglen, to table the deliberation on the Order Fixing Costs in the matter of disciplinary proceedings against Eric L. Nielsen, R.N. (ORDER0003901)(DHA Case # SPS-14-0047)(DLSC Case # 12 NUR 368) to a future meeting. Motion carried unanimously.

**DELIBERATION OF CREDENTIALING MATTERS**

**Clayton Keene – Review Waiver of Pharm Hours**

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to deny the request of Clayton Keene for a waiver of the three year time limit for 45 Pharmacology hours.  
**Reason for Denial:** Wisconsin Admin Code § N 8.03(4) does not provide a waiver for the three year requirement. Motion carried unanimously.

**Kimberly Rupiper – Conviction Review**

**MOTION:** Paul Abegglen moved, seconded by Luann Skarlupka, to request additional information regarding the Registered Nurse application of Kimberly Rupiper. Motion carried unanimously.

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to move the September 10, 2015 Board of Nursing meeting to August 13, 2015. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Paul Abegglen moved, seconded by Luann Skarlupka, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:37 p.m.