

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

MELODIE K. POSSEHL, R.N., A.P.N.P., :  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS07041910NUR

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Division of Enforcement Case # 04NUR024

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Melodie K. Possehl, R.N., A.P.N.P.  
N13686 Hwy. 173  
P.O. Box 324  
Tomah, WI 54660

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties to this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Melodie K. Possehl, the Respondent herein, date of birth 4/18/51, is duly licensed as a registered nurse in the state of Wisconsin, license # 139064; and is certified in Wisconsin as an advanced practice nurse prescriber, certification #2413. The license to practice as a registered nurse was first granted on 7/31/01. The certification to practice as an advanced practice nurse prescriber was first granted on 3/30/04.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is N13686 Hwy. 173, P.O. Box 324, Tomah, Wisconsin, 54660
3. From approximately January 15, 2002 to December 19, 2003, Respondent was working as a family nurse practitioner at the House of Wellness Clinic in Baraboo, Wisconsin.
4. Respondent did not at any time while she was employed at the House of Wellness Clinic hold a certification in the state of Wisconsin to practice as an advanced practice nurse prescriber or a Drug Enforcement Administration registration to prescribe controlled substances.
5. Respondent throughout the period of her employment at the House of Wellness Clinic wrote prescription orders for controlled substances for some of her patients for treatment of the medical conditions the patients presented with.

## CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraphs 3 through 5, above, constitutes a violation of Wis. Stat. § 441.07(1)(d), Wis. Admin. Code § N 7.04(1) and 21 C.F.R. § 1306.03 in that Respondent wrote prescription orders for controlled substances when she was not certified in the state of Wisconsin as an advanced practice nurse prescriber pursuant to Wis. Stat. § 441.16; and when she did not have a Drug Enforcement Administration registration to prescribe controlled substances. This violation of law is substantially related to practice as a registered nurse and as an advanced practice nurse prescriber in the state of Wisconsin.
3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Respondent.
4. This Final Decision and Order shall not be construed as a Board of Nursing finding of caregiver misconduct, abuse or neglect of a client, or misappropriation of the property of a client within the meaning of Wis. Stat. §§ 48.685 and 50.065

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certification of Respondent, Melodie K. Possehl, to practice as an advanced practice nurse prescriber in the state of Wisconsin is hereby suspended for a period of 6 months. Respondent will be permitted to continue to practice as a registered nurse under the supervision of Earl Zabel, M.D. at the Marshfield Clinic in Wausau, Wisconsin during the period of suspension of her certification as an advanced practice nurse prescriber.
2. Respondent, acting under the authority of her license to practice as a registered nurse, will be permitted to prepare prescription orders for non controlled substances as delegated and supervised by her supervising physician, Earl Zabel, M.D., pursuant to the authority granted under Wis. Stat. § 448.03(2)(e). Prescription orders prepared under this authority will be issued by Respondent only in conformity with detailed written protocols established by Respondent's

supervising physician, Earl Zabel, M.D., and in conformity with the requirements of Wis. Admin. Code § Med 17.06. Respondent will not have and will not exercise or attempt to exercise any independent prescribing authority during the pendency of this Order. Respondent will submit to the Board of Nursing each and every written protocol upon which she relies for her authority to prepare a prescription order for a patient under the terms of this Order. A copy of the written protocol authorizing the prescription order will be submitted to the Board of Nursing prior to the date on which Respondent prepares the prescription order.

3. Respondent will not prepare or issue prescription orders, written or oral, for any controlled substances under any circumstances during the pendency of this Order and no written protocol established by Respondent's supervising physician, Earl Zabel, M.D., or by any other person or entity will be interpreted to extend the authority to Respondent to prepare or issue any prescriptions, written or oral, for controlled substances for any patient.

IT IS FURTHER ORDERED that:

4. Respondent will within 6 months of the date of this Final Decision and Order take and satisfactorily complete a minimum of 5 credit hours of continuing education courses in professional nursing ethics. Each continuing education course taken in satisfaction of this requirement will be pre-approved by the Wisconsin Board of Nursing or its designee. Respondent will attend each of the courses taken in satisfaction of this requirement in its entirety.

a. Respondent will within 60 days of completion of the required continuing education courses provide evidence satisfactory to the Board of Nursing that she has attended each of the approved courses in its entirety. This evidence will include:

i. Certification of attendance from the sponsoring organization; and

ii. Affidavit given under oath by Respondent verifying that she has attended each of the approved courses in its entirety.

b. Respondent will pay all costs of attending the approved courses and of verifying attendance at the courses.

IT IS FURTHER ORDERED that:

5. All requests for approval of courses, certifications of attendance, affidavits, written protocols and other documents required to be filed with the Board of Nursing will be mailed, faxed or delivered to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone no. (608) 267-3817  
Fax (608) 266-2264

IT IS FURTHER ORDERED that:

6. Respondent will, within 180 days from the date of this Order, pay costs of this proceeding in the amount of \$2,907.20. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935

Madison, WI 53708-8935  
Telephone no. (608) 267-3817  
Fax (608) 266-2264

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the costs as set forth above, the Respondent's license to practice as a registered nurse, license # 139064 and her certification as an advanced practice nurse prescriber, certification # 2413 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

8. Respondent will promptly file a copy of this Final Decision and Order with all persons or entities by whom she is employed during the period of suspension of her certification as an advanced practice nurse prescriber.

9. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

4/19/07  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
MELODIE K. POSSEHL, R.N., A.P.N.P. : LS# \_\_\_\_\_  
RESPONDENT. :

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Division of Enforcement Case # 04NUR024

It is hereby stipulated between Melodie K. Possehl, Respondent herein, and by her attorney, Stephen J. Meyer; and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement, case # 04NUR024. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Melodie K. Possehl, R.N., A.P.N.P.  
N13686 Hwy. 173  
P.O. Box 324  
Tomah, WI 54660

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Date

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Stephen J. Meyer  
Attorney for Melodie K. Possehl  
Meyer Law Office  
10 East Doty St., #507  
Madison, WI 53703-3397

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Date

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Gilbert C. Lubcke, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date