

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
CHRISTEL M. BRELL, R.N., :
RESPONDENT. : LS0711084NUR

Division of Enforcement Case # 07 NUR 183

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

Christel M. Brell, R.N.
141 S. Concord Avenue
Watertown, WI 53094

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

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

PROCEDURAL HISTORY

The parties in 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 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. Christel M. Brell, R.N., (DOB 09/20/1940) is duly licensed as a registered nurse in the state of Wisconsin (license # 30-126227). This license was first granted on June 2, 1997.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 141 S. Concord Avenue, Watertown, Wisconsin 53094.
3. On or about November 19, 2001, Respondent reported to work as a nurse smelling of alcohol. She consented to a breathalyzer test, which showed a positive reading of .03.
4. Respondent agreed to enter the Impaired Professionals Procedure ("IPP") in 2002. In 2004, Respondent was terminated from the IPP program for substantial violations of her agreement for participation.

5. On or about December 13, 2006, Respondent was working for a home health agency, and came to a staff meeting appearing to be intoxicated. Follow up interviews with clients indicated that some clients believed she had reported to work intoxicated on occasion.

6. On or about January 4, 2007, Respondent went to the home of a client, although she was not scheduled to work that day. After leaving the client home, she fell and fractured her arm. Hospital records indicate that she was intoxicated, with a blood alcohol level of .24.

7. On or about January 31, 2007, a complaint was filed in Dane County Circuit Court alleging that Respondent wrongfully caused the death of baby D.B. Baby D.B. was on a respirator, and Respondent was a home health nurse assigned to her care. The complaint alleged that Baby D.B. asphyxiated when a blockage in her trachea was not cleared. The complaint alleged that the respirator monitor alarm triggered 18 times, and it alleged that 18 times Respondent turned the alarm off without clearing the blockage. Respondent alerted baby D.B.'s mother that something was wrong, and CPR was attempted. Baby D.B.'s father called 911. Baby D.B. was taken to the hospital, where she was declared dead.

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 3-7 above constitutes a violation of Wisconsin Administrative Code § NR 7.03(1) and (2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Board of Nursing accepts the surrender of the license of Christel M. Brell, R.N. (license # 30-126227), to practice as a nurse in the State of Wisconsin and the surrender of her privilege to practice in Wisconsin pursuant to the Multi-state Nurse Licensure Compact.

3. In the event that Ms. Brell re-applies for Wisconsin licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing.

4. This Order shall become effective upon the date of its signing.

Dated at Madison, Wisconsin this 8th day of November, 2007.

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
CHRISTEL M. BRELL, R.N., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 07 NUR 183

Christel M. Brell, R.N., personally and by her attorney Gerald Mowris, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 07 NUR 183). Respondent consents to the resolution of this investigation by stipulation.

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 the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to voluntarily surrender her license to practice as a nurse in the State of Wisconsin, as well as her privilege to practice nursing pursuant to the Multi-State Nurse Licensure Compact. Respondent agrees that she will not reapply for Wisconsin licensure as a nurse at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a nurse, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the 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.

6. 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.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the 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.

8. 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.

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

Christel M. Brell, R.N.
141 S. Concord Avenue
Watertown, WI 53094

Date

Gerald Mowris
Attorney for Christel M. Brell, R.N.
Pellino, Rosen, Mowris & Kirkhuff
131 W. Wilson St., Ste 1201
Madison, WI 53703

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
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Date