

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
COREEN KAY SRNEC, L.P.N., : LS08060513NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 218]

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

Coreen Kay Srnec, L.P.N.
4502 S. Lake Drive
Cudahy, WI 53110

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 and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Coreen Kay Srnec, L.P.N., Respondent, date of birth August 8, 1957, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 22846, which was first granted June 6, 1980.

2. Respondent's address of record with the Department of Regulation and Licensing is 4502 S. Lake Drive, Cudahy, WI 53110.

3. On January 12, 1996, in case number 95 NUR 031, the Board of Nursing suspended Respondent's license to practice nursing between February 1, 1996 and April 30, 1996, and limited her license until January 31, 1998. The suspension and limitations were based on Respondent's repeated inappropriate contacts, in violation of Wis. Adm. Code § N 7.03(1), with a nursing home resident for whom Respondent provided nursing services. Specifically:

- a. On January 13, 1995, another employee of the facility observed Respondent in the resident's room and saw Respondent kissing the resident on the lips.
- b. On January 21, 1995, three other employees saw Respondent kissing the resident in a passionate manner.

- c. On January 22, 1995, an employee found Respondent behind closed doors with the resident, and when Respondent emerged from the room, Respondent's blouse was partially unbuttoned.
- d. On February 1, 1995, Respondent admitted that she did kiss the resident a few times and that it "meant more than it should" on some occasions. Respondent said that she talked with the resident and told him it could not continue.
- e. On February 3, 1995, Respondent was terminated from her employment due to her contacts with the resident.

4. Limitations on Respondent's license included the requirement that she remain/participate in psychotherapy until such time that the psychotherapist reported, and the Board agreed, that psychotherapy was no longer necessary. Respondent was also ordered to provide current and new employers with a copy of the Order and was required to arrange for quarterly performance reports from her employers.

5. On March 17, 1998, Respondent complied with all requirements of the January 12, 1996 Order and was granted an unlimited license.

6. On September 14, 2005, Respondent began working as a licensed practical nurse at Allis Care Center, a nursing home in West Allis, Wisconsin.

7. Resident A, a white male who was born in 1929, was admitted to Allis Care Center on September 11, 2005. Resident A had a diagnosis of schizophrenia and was described as being paranoid and suspicious of others. Resident A's behaviors included making repeated accusations against staff, accusations which were ultimately unsubstantiated.

8. On October 13, 2006, Resident A reported that, four months earlier, Respondent had performed a sex act on him.

9. On October 14, 2006, Respondent denied the allegation, but acknowledged that she did bring Resident A gifts; that she told him she loved him; and that she hugged and kissed him. Respondent said that she sometimes stayed with Resident A after her shift in the evening and talked to Resident A. Respondent said they were friends who went to church together. Respondent said that her gestures were just friendly and that she sometimes engaged in them with other residents too. When she engaged in the behaviors, Respondent did not think they crossed professional boundaries. When confronted, Respondent admitted that she could see that the behaviors with Resident A crossed professional boundaries.

10. Sometime after October 13, 2006, but before October 18, 2006, Resident A's care plan included a directive that staff members were never to be alone in a room with Resident A, and that at least two staff members always be involved in his cares.

11. Respondent's employer investigated Resident A's October 13, 2006 allegation that Respondent had sexual contact with him and ultimately unsubstantiated the allegations.

12. On October 18, 2006, Respondent's employer counseled Respondent and instructed that Respondent was not to enter Resident A's room alone and for no reason other than to provide patient care. The employer told Respondent that all "extra activities" with Resident A must stop, and that she must maintain only a professional relationship with Resident A. Respondent indicated an understanding of Resident A's care plan, and particularly the requirement that no staff member be alone with Resident A.

13. On October 22, 2006, a coworker saw Respondent in Resident A's room, watching television. No other staff member was present. On October 23, 2006, Respondent was reminded that she was not to enter Resident A's room alone and for no reason other than to provide patient care. Respondent declined to make any written comment about the incident.

14. On November 1, 2006, Respondent was alone with Resident A on a facility balcony. Respondent

explained that Resident A had gone out alone and she had gone out to retrieve him. Respondent states that she felt she needed to retrieve Resident A for his own safety. On November 6, 2006, Respondent's employer counseled her about the incident and warned that another incident could result in termination.

15. On November 6, 2006, a staff member reported an incident from "several months earlier" in which she had seen Respondent alone with Respondent, kneeling at Resident A's bedside.

16. On March 23, 2007, Respondent was alone with Resident A in Resident A's room and was seen kissing him. Staff reported that Respondent was frequently alone with Resident A, and often stayed after her shift to spend time with him. Respondent admitted that she hugged Resident A at his request, but denied kissing him. The employer issued Respondent a written warning for Respondent's failure to comply with Resident A's treatment plan.

17. In June 2007, Respondent's employment was terminated for reasons unrelated to the instant matter.

18. On August 23, 2007, Respondent admitted to Consumer Protection Investigator Michelle Schram that she had hugged and kissed Resident A on the mouth, that she had taken him to church and that she'd given him gifts including a television and clothing. Respondent denied sexual contact with Resident A. Respondent did not believe she'd done anything wrong in her behaviors with Resident A, and that she'd merely let him know someone cared for him.

19. On September 6, 2007, Respondent admitted walking with Resident A to an off-site church the previous week.

20. Respondent, by engaging in the conduct described in paragraphs 9, 13-16, and 18, repeatedly engaged in conduct that was contrary to the care plan of Resident A, a patient for whom she was to have been providing practical nursing services.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. By engaging in the conduct described above, Respondent engaged in conduct which is a substantial departure from the standard of care ordinarily exercised by a competent licensed practical nurse. Respondent is therefore subject to discipline pursuant to Wis. Stat. § 441.07(1)(c) and Wis. Adm. Code § N 7.03(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Coreen Kay Srnec, L.P.N., Respondent, to practice as a licensed practical nurse in the State of Wisconsin is hereby REVOKED.

2. Pursuant to Wis. Stat. § 441.07(2), Respondent may petition the Board for the reinstatement of her license no earlier than one year following the date of this Order.

3. As a prerequisite to reinstatement, the Board will require at a minimum that Respondent will have met the following requirements.

a. Respondent shall have, at Respondent's own expense, undergone a mental health assessment by a mental health care practitioner with expertise in boundary issues. Said assessment shall specifically consider and identify issues related to Respondent's inability or unwillingness to maintain professional boundaries with patients.

i. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, before the evaluation is performed.

ii. Respondent shall provide the assessor, and any subsequent treatment providers, if any, with a copy of this Final Decision and Order and all other subsequent orders.

iii. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.

iv. The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents her from practicing in that manner.

b. If the assessor has rendered the opinion required by subparagraph a.iv., and the Board agrees, the Board may reinstate Respondent's license. The Board may limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy or other treatment, at Respondent's expense, by a practitioner with expertise in boundary issues, and pre-approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency including, but not limited to boundary issues and professional ethics.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

iv. Requiring Respondent to appear before the Board on a periodic basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

4. If following reinstatement, limitations are placed on Respondent's license, Respondent may petition the Board to modify or end the limitations.

5. If Respondent believes that the Board's refusal to reinstate her license is inappropriate or that any limitation imposed or maintained by the Board under paragraphs 2b or 3 is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious or inconsistent with this Order. The revocation of license or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,070.00 pursuant to Wis. Stat. § 440.22(2).

7. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

6/5/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
COREEN KAY SRNEC, L.P.N., : STIPULATION
RESPONDENT. : LS _____ NUR

[Division of Enforcement Case # 07 NUR 218]

It is hereby stipulated and agreed, by and between Coreen Kay Srnec, L.P.N., Respondent; and Sandra L. Nowack, attorney for the Complainant, 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 (file 07 NUR 218). 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 been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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 the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 case 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through DHFS prior to

commencement of such employment.

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

Coreen Kay Srnec, L.P.N.
Respondent
4502 S. Lake Drive
Cudahy, WI 53110

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date