

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
SUSAN M. BOLDT, L.P.N., : LS0902261NUR
RESPONDENT. :

Division of Enforcement Case # 08 NUR 286

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

Susan M. Boldt, L.P.N.
14190 W. Beechwood Trl
New Berlin, WI 53151

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-89 35

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. Susan M. Boldt, L.P.N., (DOB 07/29/1966) is duly licensed as a practical nurse in the State of Wisconsin (license # 31-28645). This license was first granted on May 28, 1986.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 14190 Beechwood Trail, New Berlin, Wisconsin, 53151.
3. Beginning in approximately 2003, and continuing until August of 2008, Respondent obtained prescriptions for Ultram for herself and her husband, in the name of the physician for whom she worked, without that physician's authorization.
4. Respondent states that she used the Ultram herself, for weight loss. However, Respondent has a medical condition for which Ultram may be contraindicated.

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 paragraph 3 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. The license of Susan M. Boldt, L.P.N., to practice nursing in the State of Wisconsin, and her privilege to practice pursuant to the Multi-State Nursing Compact, is INDEFINITELY SUSPENDED.
2. Respondent may petition the board to stay the suspension, upon proof of all of the following:
 - (a) Respondent, at her own expense, shall have undergone a psychological evaluation by a mental health professional with experience evaluating health care professionals with substance abuse and psychological issues.
 - i. The evaluating psychologist 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, prior to the evaluation being performed.
 - ii. The Division shall provide the evaluating psychologist and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent must provide the evaluating psychologist with access to any prior mental health or alcohol and drug treatment records. Respondent may provide the evaluating psychologist with any other information Respondent believes will be of assistance in performing the evaluation and shall immediately provide copies of that information to the Division.
 - iii. Respondent shall authorize the evaluating psychologist to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluating psychologist.
 - (b) The evaluating psychologist must provide evidence, to the Board's satisfaction, that Respondent is able to safely practice nursing.
 - (c) The Board may limit Respondent's license in any manner it sees fit to address the facts of this case, and any recommendations resulting from the assessment. Limitations may include, for example, alcohol and drug treatment and screening, mental health treatment, and/or restrictions on practice such as workplace restrictions, restrictions on access to drugs, or supervision.
 - (d) Respondent shall have paid the costs of this proceeding in the amount of Three Hundred Dollars (\$300.00). 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 (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent violates the terms of this or any subsequent related Order, the Respondent's license

(#31-28645) SHALL BE OR REMAIN SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order in question.

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

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

2/26/09
date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
SUSAN M BOLDT, L.P.N., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 08 NUR 286

Susan M. Boldt, L.P.N., personally on her own behalf, 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 # 08 NUR 286). 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 been provided an opportunity to obtain the 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 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 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.

Susan M. Boldt, L.P.N.
14190 W. Beechwood Trl
New Berlin, WI 53151

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date