

# 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 : **FINAL DECISION AND ORDER**  
:  
MELISSA L. CARSON, L.P.N., : Order 0000190  
RESPONDENT. :

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Division of Enforcement Case #09 NUR 300

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

Melissa L. Carson  
10124 W. Capital Dr.  
Milwaukee, WI 53222

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
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. 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. Melissa L. Carson (D.O.B. 4/15/76) is duly licensed in the state of Wisconsin as a practical nurse (license # 303905). This license was first granted on 2/12/04.
2. In April, 2009, Respondent was employed by Regal Home Health as a visiting nurse; she attended patients in their homes and recorded the times of her arrival and departure and furnished them to her employer. During this month, Respondent was also employed part-time by Lighthouse of Brown Deer, an assisted living facility, and recorded her work time at the facility by use of a "web clock" there; she entered her arrival and departure times at the beginning and end of each shift using a personal identification code.

3. As to each of the following dates, Respondent billed both employers, and was paid, for services at the same time. Overlapping times are indicated in italicized bold type.

On 4/2/09, Respondent was "clocked in" at Lighthouse from 5:15 PM to 8:00 PM

On 4/2/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, 8 AM, 10 AM, 1 PM, and **6 PM**, each lasting one hour.

On 4/3/09, Respondent was "clocked in" at Lighthouse from 8:30 AM to 4:45 PM.

On 4/3/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **8 AM**, and 6 PM; each lasting one hour.

On 4/4/09, Respondent was "clocked in" at Lighthouse from 10:15 AM to 6:45 PM.

On 4/4/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM and **6 PM**, each lasting one hour.

On 4/6/09, Respondent was "clocked in" at Lighthouse from 5 AM to 5:30 PM.

On 4/6/09, Respondent has "visit start" times for clients of Regal Home Health at **8 AM and 9 AM**, each lasting one hour.

On 4/7/09, Respondent was "clocked in" at Lighthouse from 5:15 AM to 1:15 PM.

On 4/7/09, Respondent has "visit start" times for clients of Regal Home Health at **6 AM, 8 AM, 9 AM, 10 AM**, and 6 PM, each lasting one hour.

On 4/8/09, Respondent was "clocked in" at Lighthouse from 7 AM to 3:15 PM.

On 4/8/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **8 AM, 9 AM, 10 AM, 1 PM**, and 6 PM, each lasting one hour.

On 4/13/09, Respondent was "clocked in" at Lighthouse from 7:45 AM to 3:30 PM.

On 4/13/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **8 AM, 9 AM**, and 6 PM, each lasting one hour.

On 4/14/09, Respondent was "clocked in" at Lighthouse from 7 AM to 3 PM.

On 4/14/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **8 AM, 9 AM, 10 AM, 12 Noon**, 5 PM, and 6 PM, each lasting one hour.

On 4/15/09, Respondent was "clocked in" at Lighthouse from 7:30 AM to 3:30 PM.

On 4/15/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **11 AM, 12 Noon**, and 6 PM, each lasting one hour.

On 4/17/09, Respondent was "clocked in" at Lighthouse from 7 AM to 1:15 PM.

On 4/17/09, Respondent has "visit start" times for clients of Regal Home Health at 6 AM, **10 AM**, 2 PM, 4 PM, and 6 PM, each lasting one hour.

On 4/20/09, Respondent was “clocked in” at Lighthouse from 7 AM to 7 PM.  
On 4/20/09, Respondent has “visit start” times for clients of Regal Home Health at 6 AM, **11 AM, 12 Noon, 1 PM, and 6 PM**, each lasting one hour.

On 4/21/09, Respondent was “clocked in” at Lighthouse from 6:30 AM to 7 PM.  
On 4/21/09, Respondent has “visit start” times for clients of Regal Home Health at **6 AM, 8:30 AM, 9:30 AM, 12 Noon, 1 PM, and 6 PM**, each lasting one hour.

On 4/22/09, Respondent was “clocked in” at Lighthouse from 8 AM to 4:15 PM, and from 6 PM to 8:30 PM.  
On 4/22/09, Respondent has “visit start” times for clients of Regal Home Health at 6 AM, **8 AM, 11 AM, 12 Noon, and 6 PM**, each lasting one hour.

On 4/24/09, Respondent was “clocked in” at Lighthouse from 7 AM to 2:15 PM.  
On 4/24/09, Respondent has “visit start” times for clients of Regal Home Health at 6 AM, **8 AM, 11 AM, 12 Noon**, and 6 PM, each lasting one hour.

On 4/27/09, Respondent was “clocked in” at Lighthouse from 7 AM to 3:15 PM.  
On 4/27/09, Respondent has “start visit” times for clients of Regal Home Health at 6 AM, **8 AM, 9 AM (two different patients), 10 AM**, 4 PM, and 6 PM, each lasting one hour.

On 4/28/09, Respondent was “clocked in” at Lighthouse from 7:45 AM to 1:15 PM.  
On 4/28/09, Respondent has “start visit” times for clients of Regal Home Health at 6 AM, **8 AM, 9 AM**, 4 PM, and 6 PM, each visit lasting one hour.

4. Upon discovering that Respondent was leaving the facility while on work time to care for her Regal Home Care patients, Lighthouse of Brown Deer discharged her from employment.

5. Respondent was interviewed by Board staff on 12/15/09; at that time she denied ever leaving Lighthouse to perform work for Regal Home Health. This statement was false, and Respondent knew that it was false when she made it.

#### CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b) and (d), and Wis. Adm. Code § N 7.04(intro), (1), (13), and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The license of Melissa L. Carson, L.P.N., to practice as a nurse in the state of Wisconsin is **SUSPENDED** for 45 days, effective July 3, 2010.
2. Before Respondent's license is restored, she shall demonstrate successful completion all of the following courses offered by the Learning Extension of the National Council of State Boards of Nursing (or their substantial equivalents which have been pre-approved by the Board or its designee):
  - a. Disciplinary Actions: What Every Nurse Should Know (4.8 hours)
  - b. Ethics of Nursing Practice (4.8 hours)
  - c. Professional Accountability & Legal Liability for Nurses (5.4 hours)
3. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
4. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. It is a violation of this Order for the work report to be unsatisfactory in any respect.
5. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

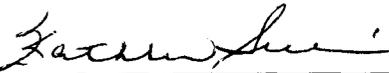
Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

7. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others.
8. Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

IT IS FURTHER ORDERED that 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 comply with the ordered continuing education, the Respondent's license **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$550, within six months of this Order. If not paid, Respondent's license shall be SUSPENDED without further notice or hearing, until they are paid in full, together with any accrued interest.

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board

May 6, 2010  
Date

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