

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

BRAD W. SOLBERG, R.N.,  
RESPONDENT.

94 NUR 010

LS9711134 NUR

FINAL DECISION AND ORDER

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

Brad W. Solberg, R.N.  
615 McHugh Road, Apt. 12  
Holmen, WI 54636

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

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. Brad W. Solberg, R.N., Respondent, date of birth August 5, 1956, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 89018, which was first granted August 21, 1984.
2. Respondent's last address reported to the Department of Regulation and Licensing is 615 McHugh Road, Apt. 12, Holmen, WI 54636.
3. Respondent was employed as a psychiatric nurse at St. Francis Hospital in LaCrosse, Wisconsin from mid-1990 until his resignation on December 28, 1993.

4. From July 20, 1992 through August 26, 1992, Ms. A was an inpatient on the psychiatric unit at St. Francis Hospital. Among the issues with which Ms. A was dealing during the hospitalization was a decision of whether to divorce her husband.

5. Respondent was Ms. A's case manager during the July 20, 1992 hospitalization.

6. During the hospitalization, Respondent encouraged Ms. A to divorce her husband and move to the LaCrosse area so that Respondent and Ms. A could develop a personal relationship.

7. While Ms. A was on the unit, Respondent hugged Ms. A on more than one occasion and kissed her one time.

8. In early September 1992, following her discharge, Ms. A moved from the Portage area to Onalaska, which is near LaCrosse. As prearranged, Respondent came to her new home on the day she moved in.

9. Within approximately one week after Ms. A moved to Onalaska, Ms. A and the Respondent engaged in a personal relationship.

10. From mid-September to mid-December 1992, the personal relationship between the Respondent and Ms. A included sexual contact and intercourse.

11. Ms. A was hospitalized at St. Francis hospital several times following her August 1992 discharge with her final hospitalization there being from December 7, 1993 through December 10, 1993.

12. During the December 7, 1993 hospitalization, Ms. A mentioned in a group session that she had a relationship with a member of the nursing staff.

13. St. Francis Hospital administration investigated and interviewed Ms. A and the Respondent.

14. The Respondent was asked to resign his position at St. Francis Hospital for violating a policy which prohibits employees from visiting patients following discharge.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07, Stats.

2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by encouraging and developing a personal relationship with an inpatient psychiatric patient to whom he was providing nursing services, has engaged in practice and behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public and has committed misconduct and unprofessional conduct as defined by § N 7.04, Wis. Adm. Code, and is subject to discipline pursuant to § 441.07(1)(d), Stats.

4. Respondent, by engaging in sexual contact with a former patient, to whom he provided psychiatric nursing services, within one year after termination of professional services, has committed misconduct and unprofessional conduct as defined by § N 7.04(11), Wis. Adm. Code (as amended effective November 1, 1992), and is subject to discipline pursuant to § 441.07(1)(d), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Brad W. Solberg as a registered nurse in the state of Wisconsin is hereby **SUSPENDED** for a period of at least two years, effective immediately.
2. That during the period Respondent's license is suspended, Respondent shall not be employed in any mental health care setting and shall not provide any form of mental health services to patients or clients in the state of Wisconsin.
3. That Respondent may petition the Board for the termination of the suspension, after two years, under the following terms and conditions:
  - a. Respondent shall, at his own expense, have undergone an assessment using the general model and approach set out in Chapter 32, "Assessment and Development of Rehabilitation Plans for the Therapist", of Psychotherapists' Sexual Involvement with Clients, Schoener, Milgrom, Gonsiorek, Luepker and Conroe, published by the Walk-In Counseling Center, Minneapolis, Minnesota.
  - b. The practitioner performing the assessment must have been approved by the Board, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.
  - c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of patients and public.
  - d. If the Board determines to end the suspension, Respondent's license shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist 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.

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.

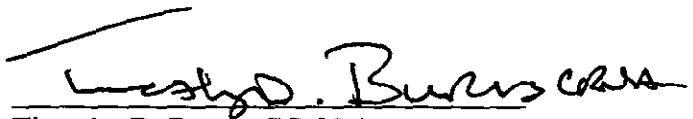
e. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

4. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board under paragraph 3 is inappropriate, Respondent may seek a class 1 hearing pursuant to sec. 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3 above, may constitute grounds for revocation of Respondent's license as a registered nurse in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 3 above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 13th day of November, 1997.

  
Timothy D. Burns, C.R.N.A.  
Chair  
Board of Nursing

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

BRAD W. SOLBERG, R.N., :  
RESPONDENT. :

94 NUR 010

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STIPULATION

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It is hereby stipulated and agreed, by and between Brad W. Solberg, R.N., Respondent; and John R. Zwieg, as 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 by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Board of Nursing (file 94 NUR 010).

2. Respondent understands that by the signing of this stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of Respondent's right to seek legal representation prior to signing this stipulation.

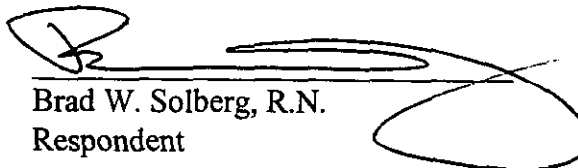
4. Respondent neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent 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.

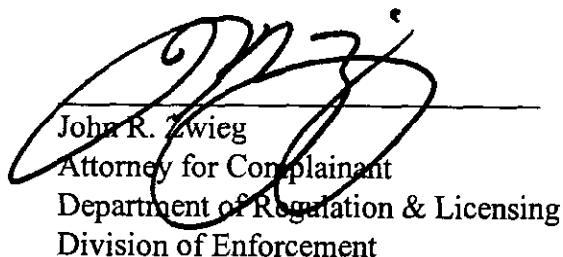
6. Attached to this stipulation are the current wall and wallet registration certificates of Respondent. If the Board accepts the stipulation, Respondent's license shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the stipulation.

7. The parties to this stipulation agree that the Respondent, Respondent's attorney, if any, the member of the Board appointed as the investigative advisor in this matter, and an attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Dated this 26<sup>th</sup> day of September, 1997.

  
Brad W. Solberg, R.N.  
Respondent

Dated this 25<sup>th</sup> day of September, 1997.

  
John R. Zwieg  
Attorney for Complainant  
Department of Regulation & Licensing  
Division of Enforcement

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STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Brad W. Solberg, R.N.,

AFFIDAVIT OF MAILING

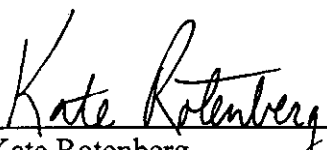
Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:


1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On November 17, 1997, I served the Final Decision and Order dated November 13, 1997, LS9711134NUR, upon the Respondent Brad W. Solberg, R.N. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 650.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Brad W. Solberg, R.N.  
615 McHugh Road, Apt. 12  
Holmen WI 54636

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 17<sup>th</sup> day of November, 1997.

  
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Notary Public, State of Wisconsin  
My commission is permanent.



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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

November 17, 1997

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)