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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LINETTE K. LOBERG, R.N.,

RESPONDENT.

Case No. LS99091712NUR

FINAL DECISION AND ORDER

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

Linette K. Loberg, R.N.
3163 N. 86th St.
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

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. Linette K. Loberg, R.N., Respondent, date of birth August 29, 1956, is licensed by the Wisconsin Board of Nursing as a registered professional nurse in the state of Wisconsin, pursuant to license number 71351, which was first granted September 29, 1978.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3163 N. 86th St., Milwaukee, WI 53222.
3. Respondent was a psychiatric nurse at Milwaukee County Mental Health Complex (MCMHC) from at least 1982 to October 16, 1996.
4. Mr. A was an inpatient at MCMHC from September 5, 1996 through October 24, 1996, and received psychiatric nursing services from Respondent, who worked the 11 p.m. to 7 a.m. shift on that unit. Respondent and Mr. A had never met prior to his hospitalization.
5. Mr. A's admission was based on an emergency detention and resulted from his exhibiting grossly psychotic

behavior.

6. Mr. A's discharge diagnoses were: Axis I: Bipolar I Disorder, severe, manic with psychotic features and polysubstance abuse.

7. Shortly after Mr. A was hospitalized, Respondent began providing Mr. A with preferential treatment, including bringing Mr. A cigarettes, candy, and soda.

8. Early in Mr. A's hospitalization, Respondent and Mr. A kissed passionately in a utility closet at MCMHC.

9. Other patients on the unit became aware of the special status Respondent gave to Mr. A. Based on what those patients observed on the unit, the patients believed that Respondent was in love with Mr. A and involved with Mr. A.

10. During Mr. A's hospitalization, Respondent and Mr. A often met in the hospital parking lot in her car, while Respondent was off duty.

11. Mr. A had off ward privileges, but was not allowed to leave the hospital grounds. Any time he left the hospital grounds was an unauthorized absence.

12. During Mr. A's hospitalization, Respondent assisted Mr. A in many unauthorized absences, while she was not on duty. Respondent drove Mr. A off the hospital grounds many times, and on one occasion Respondent took Mr. A to her home.

13. On these drives, Respondent and Mr. A often parked the car, kissed passionately, hugged, and caressed each other's buttocks.

14. During and after Mr. A's hospitalization, Respondent frequently:

- a. Discussed her marital problems with Mr. A.
- b. Engaged in romantic telephone conversations with Mr. A.
- c. Told Mr. A that she loved him.

15. Prior to October 9, 1996, Respondent gave Mr. A greeting cards with romantic messages, a cassette tape of love songs, and a note that said "I love you."

16. On October 8, 1996, a psychologist noted in Mr. A's hospital record that Mr. A stated:

- a. He would return to his home in Kansas only to get his truck.
- b. He would then return to Milwaukee to be with his girlfriend.
- c. His girlfriend was on the nursing staff.
- d. He will marry her and they will fly to Hawaii.

17. On October 9, 1996, Respondent and Mr. A arranged to meet, and met at 2 p.m., in the hospital parking lot, while Respondent was off duty. While there, they kissed and hugged. Then Respondent allowed Mr. A to drive her car, while she was a passenger.

18. MCMHC staff became aware that Mr. A was missing at 2:30 p.m. The building was searched and security was called.

19. Mr. A drove to the Milwaukee airport and tried to convince Respondent she should fly away with him. Respondent and Mr. A had alcoholic drinks at the airport bar, but Respondent declined to go with Mr. A in an airplane.

20. Mr. A then drove with Respondent as a passenger around the Milwaukee area for several hours during which time they stopped several times for food or alcoholic beverages. Respondent knew that Mr. A should not consume alcohol because of possible adverse interactions with his prescribed psychotropic medications.

21. While riding with Mr. A on October 9, 1996, Respondent called her husband at 3:30 p.m. using her cellular phone and told her husband that she was rethinking her relationship with her husband. Respondent did not mention to her husband that she was with anyone. Respondent contends that she was attempting to persuade Mr. A to return to the hospital. However, while in the car with Mr. A, Respondent made numerous calls using her cellular telephone, but none of the calls were to report Mr. A or to seek help in returning him to the hospital.

22. At approximately 11 p.m., Respondent called her husband again. During that conversation, Respondent

sounded inebriated. She told her husband that she didn't know where she was. She said someone else was with her, that she was sort of being held hostage and then giggled. She said that she thought she could trust the person. Respondent's husband called the police and the police ultimately called MCMHC and confirmed that Mr. A was missing.

23. Mr. A began to drive to Kansas, which was his state of residence. Mr. A and Respondent got as far as Joliet, Illinois before Respondent was able to convince Mr. A to turn around.

24. During the night, Mr. A then drove to the airport at Rockford, Illinois. The airport was closed and while waiting for it to open, Mr. A again tried to convince Respondent to fly away with him.

25. Mr. A's behavior was becoming more erratic. He was driving carelessly and was conversing with people who did not exist. Respondent became concerned for her safety and on October 10 at 7 a.m., Respondent got out of her car in Rockford, gave Mr. A \$14 and allowed him to drive away in her car.

26. Respondent was confronted about Respondent's conduct of October 9 and 10 during a meeting with supervisory staff on October 14. During that meeting, Respondent acknowledged that her involvement with Mr. A was wrong. Ultimately, Respondent resigned her position at MCMHC, effective October 16, 1996,

27. After Mr. A's discharge from the hospital and subsequent return to Kansas, Respondent continued to call him numerous times. In a call in late October, Respondent told Mr. A that she had a friend who could rent him a place to stay in the Milwaukee area. Mr. A was planning to return to the area and Respondent.

28. Respondent also sent Mr. A several cards after he returned to Kansas:

- a. One card included a handwritten poem. It also provided Mr. A with the address of a friend of Respondent for Mr. A to use in writing back to her. It is signed: "Linette loves [Mr. A]."
- b. A card mailed October 23, 1996 contained the printed message "I love you," and "wish we were together again" and a handwritten message "Miss you madly."
- c. A card mailed in December, 1996 contained the handwritten messages "Merry Christmas, hon" and "sending you love as always."

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to § 441.07(1), 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 engaging in the conduct set out above, has violated the minimum standards of the nursing profession necessary for the protection of the health, safety, or welfare of the patient and public as defined by Wis. Adm. Code § N 7.
4. Respondent, by engaging in inappropriate sexual contact and sexual behavior with a patient, has committed unprofessional conduct as defined by Wis. Adm. Code § N 7.04 (11).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Linette K. Loberg, R.N., to practice as a registered nurse in the state of Wisconsin is hereby **SUSPENDED** for a period of at least one year, effective September 18, 1999.
2. That Respondent may petition the Board of Nursing for the termination of the suspension, after one year, under the following terms and conditions:
 - a. Respondent shall, at her own expense, have undergone an assessment by a mental health care practitioner experienced in assessing health care providers who have become involved sexually with patients.
 - b. Respondent shall execute all releases necessary for the practitioner to obtain records of Respondent's earlier evaluations and treatment and to discuss those evaluations and treatment with the individuals who provided those services.
 - c. 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.

d. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of patients and public.

e. 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.

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

3. 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 2 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.

4. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 above, may constitute grounds for revocation of Respondent's license to practice 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 2 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 Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 17th day of September 1999.

Timothy D. Burns, CRNA

Chairman

Board of Nursing