

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST:

CAREN A. BURKE, RN,  
RESPONDENT

: FINAL DECISION AND ORDER  
: 01 NUR 089  
:  
:

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LS0204042 NUR

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

Caren A. Burke, RN  
821 Pleasant Way  
Seymour WI 54165

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. Caren A. Burke (D.O.B. 10/23/58) is duly licensed as a registered nurse in the state of Wisconsin (license #113671). This license was first granted on September 24, 1993.
2. Ms. Burke's latest address on file with the Department of Regulation and Licensing is 821 Pleasant Way, Seymour WI 54165



3. At all times relevant to this action, Ms. Burke was employed as a registered nurse at Parkside Care Center, LLC, in Little Chute, Wisconsin.

4. On or about March 3, 2001, while on duty, Ms. Burke failed to distribute prescribed medications to two residents resulting in eleven (11) medication errors.

5. On or about March 4, 2001, Ms. Burke failed to distribute prescribed medications to thirteen residents resulting in forty seven (47) medication errors.

6. During the weekend of March 3<sup>rd</sup> and 4<sup>th</sup>, Ms. Burke failed to distribute thirty-nine (39) a.m. medications and nineteen (19) p.m. medications resulting in a total of fifty-eight (58) medication errors.

7. Ms. Burke falsified the medication administration sheets to reflect that the medications were given to residents.

8. Ms. Burke placed a cup of medications in front of a resident at the facility to see if the resident would know that the medications did not belong to the resident.

9. The facility reported that when questioned about the incidents, Ms. Burke appeared not to understand the seriousness of her actions and did not respond appropriately to address, defend or explain her actions.

10. Ms. Burke steadfastly denies the allegations of her misconduct, however, in an effort to resolve this matter without contested proceedings, she consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow the Board to resolve and close this case.

#### CONCLUSIONS OF LAW

By the conduct described in the paragraphs above, Caren A. Burke is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to sec. 441.07, Stats., and Wis. Adm. Code §§N7.03(1)(d) and 7.04(4) and (6).

The Findings of Fact set forth above constitute an agency finding of neglect within the meaning of secs. 48.685 and 50.065, Stats. requiring a rehabilitation review by the Department of Health and Family Services.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Board of Nursing ACCEPTS the SURRENDER by Respondent Caren A. Burke of her license (#113671) to practice as a registered nurse in the State of Wisconsin.



IT IS FURTHER ORDERED that should Respondent reapply for Wisconsin licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, this license may be reissued, and the Board shall require an assessment from a current independent mental health provider, acceptable to the Board, regarding Respondent's mental health status. The assessment shall include a diagnosis of Respondent's mental health condition; any recommendations for treatment, ability to work and work restriction recommendations; and prognosis for recovery. The assessment shall reflect that the mental health provider has received and reviewed copies of this order and the investigative materials regarding Respondent's alleged misconduct. To be considered current, the assessment shall be conducted within not more than thirty (30) days from the date of the petition by Respondent for relicensure.

IT IS FURTHER ORDERED that Respondent must successfully complete a rehabilitation review administered by the Wisconsin Department of Health and Family Services, prior to her relicensure and shall refrain from any nursing employment in any Wisconsin DHFS-licensed facility until such review has been completed.

Denial in whole or in part of a petition for relicensure shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By:

Linda M. Sanner  
On behalf of the Board

4-4-02  
Date



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	STIPULATION
CAREN A. BURKE, RN,	:	01 NUR 089
RESPONDENT	:	

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It is hereby stipulated between Caren A. Burke, personally on her own behalf and Colleen M. Burke, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Burke's licensure by the Division of Enforcement (01 NUR 089). Ms. Burke consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Burke understands that by the signing of 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 and the Wisconsin Administrative Code.

3. Ms. Burke is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Burke 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. Ms. Burke further agrees that the Board may consider all of the allegations against her in conjunction with any petition under this Order for relicensure before the Board.

6. 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 secs. 48.685 and 50.065, Stats. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, she will need to pass a Rehabilitation Review through that Department prior to commencement of such employment.



7. 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.

8. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation 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.

9. The Division of Enforcement joins Ms. Burke in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Caren A. Burke  
Caren A. Burke, RN

3/18/02  
Date

Colleen M. Baird  
Colleen M. Baird, Attorney  
Division of Enforcement

3/21/02  
Date