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BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0207117NUR
PAMELA J. STELZER, R.N., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Pamela J. Stelzer, R.N.
3314 N. Bartlett Avenue
Milwaukee, WI 53211

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. Pamela J. Stelzer, R.N., Respondent, date of birth September 4, 1949, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 125402, which was first granted February 18, 1997.

2. Respondent's last address reported to the Department of Regulation and Licensing is 3314 N. Bartlett Avenue, Milwaukee, WI 53211.

3. From June 12, 1999 until April 6, 2001, Respondent was under contract as a registered nurse providing psychiatric nursing services to youth housed at the Milwaukee County Detention Center (MCDC) in Milwaukee, Wisconsin. Her duties included performing mental health screenings and support for emotional crises of youth at that facility.

4. On September 6, 2000, Mr. A, who was then 16 years of age, was charged with first degree intentional homicide. From September 7, 2000 to March 22, 2001, while Respondent was practicing as a nurse at MCDC, Mr. A was incarcerated there. Respondent provided psychiatric nursing services to Mr. A and saw him primarily in the psychiatric nurse office.

5. Mr. A was placed on suicidal precautions when he was waived from juvenile to adult court for prosecution. At that time, Mr. A was assessed by a psychiatrist who ordered that the psychiatric nurse check on Mr. A occasionally. As a result, Respondent spent more time with Mr. A than she customarily spent with other inmates.

6. On December 19, 2000, Mr. A entered a plea and was convicted of 2nd Degree Reckless Homicide and 1st Degree Recklessly Endangering Safety.

7. At the request of Mr. A's attorneys and because Respondent had already established a relationship with Mr. A as a result of the suicide watch and subsequent contacts, Respondent saw Mr. A on several occasions to assist him in preparing his statement to be read at sentencing.

8. Respondent last saw Mr. A at his sentencing on March 22, 2001, when she spoke on his behalf, urging the judge to be lenient and requesting that Mr. A be sent to a juvenile facility rather than an adult prison. After sentencing, Mr. A was transferred to Dodge Correctional Institution for processing and a determination on placement.

9. On March 29, 2001, while Mr. A was incarcerated at Dodge Correctional, Respondent sent Mr. A a two-page handwritten letter in an "official" Detention Center envelope. In the letter, Respondent:

Included a personal check in the amount of \$50 made payable to Mr. A and signed by Respondent.
Began "How's my sweet baby? Your mom called to let me know she heard from you and that you like Dodge better than DT. . ."
Provided reassurance to Mr. A and made suggestions about what Mr. A should do if he felt threatened.
Provided information about Mr. A's case and how Mr. A's family was doing.
Stated "I gave your mom my phone number so you can call me at home. Phyllis is worried I'll get in trouble but I've broken just about every rule there is with you anyhow. What's one more? . . ."
Concluded with "You take care of yourself and remember I adore you. I love you."

10. On April 6, 2001, Respondent's letter to Mr. A was intercepted by security at Dodge Correctional, who notified the MCDC Superintendent. The MCDC Superintendent notified Respondent's employer. The employer spoke with Respondent by phone regarding Respondent's conduct. Respondent admitted:

- a. Sending two letters to Mr. A in late March, including the letter with the \$50 check. Respondent contends that she knew Mr. A needed money for everyday toiletries as well as for stamps and stationery to maintain family contact.
- b. Forming a relationship with Mr. A that went beyond professional boundaries but which was nurturing in nature.
- c. Mr. A's mother was aware of Respondent's relationship with Mr. A and encouraged Respondent's involvement with him.

11. In order to determine if there were underlying factors which led to Respondent's conduct, the Division of Enforcement requested, and Respondent agreed, to a psychological examination by a psychologist approved by the Division. On January 2, 7, 14 and 30, 2002, Respondent was evaluated by Dr. Randall Daut, a psychologist who practices in West Allis, Wisconsin. In his report, Dr. Daut identified that Respondent would benefit from training in the area of professional-patient boundaries.

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 engaging in conduct which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient, has committed unprofessional conduct as defined by Wis. Admin. Code § N 7.04 and is subject to discipline pursuant to § 441.07(1)(d), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent shall, within one hundred twenty (120) days of the date of this Order, take and complete six instructional hours on the subject of professional-patient boundaries, which course(s) shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.
2. If Respondent is unable to take or complete the course or courses required by the preceding paragraph within 120 days because of illness or other circumstances acceptable to the Board or its designee, Respondent shall, within six months of the date of this Order, take and complete the required course or courses, which shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

3. Requests for approval of educational programs and notification of completion of educational programs shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

4. Violation of any term or condition of this Order 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, 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 at Madison, Wisconsin this 11th day of July, 2002.

Linda M. Sanner, R.N.

Chair

Board of Nursing