

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY       :		
PROCEEDINGS AGAINST                               :		
		FINAL DECISION AND ORDER
CALEY POWELL, RN,	:	LS0210045NUR
RESPONDENT	:	

Division of Enforcement Case No’s. 00 NUR 276

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Caley Powell  
7185 Clarks Point Road  
Winneconne WI 54986

Board of Nursing  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation, 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. Caley Powell (D.O.B. 08/14/1950) is duly licensed as a registered nurse in the state of Wisconsin (license #64542). This license was first granted on 04/09/1976.
2. Respondent’s most recent address on file with the Wisconsin Board of Nursing is 7185 Clarks Point Road, Winneconne, WI 54986.
3. At all times relevant to this action, Respondent worked as a registered nurse for the provision of in-home care for DC, an elderly ventilator-dependent female patient.

4. The Division of Enforcement has received allegations that on or about July 22, 2000, Respondent failed to appropriately respond to an emergent situation involving DC's condition.

5. Respondent contests the accuracy of these allegations. However in resolution of this matter, Respondent consents to issuance of the following Conclusions of Law and Order:

#### CONCLUSIONS OF LAW

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

2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.

3. By the conduct described above, Caley Powell is subject to disciplinary action against her Wisconsin nursing license, pursuant to sec. 441.07(1), Wis. Stats., and Wis. Admin. Code §§ N7.03 (1) and N7.04 (15).

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Caley Powell, RN (license #64542) is REPRIMANDED.

**IT IS FURTHER ORDERED** that the Wisconsin nursing license of Caley Powell (license #64542) is LIMITED as follows:

### **Practice restrictions**

1. Until otherwise ordered by the Board

a. Respondent shall practice only in settings where she works under supervision acceptable to the Board. Respondent shall obtain approval of a work setting prior to commencement of nursing duties. The Board reserves the right to require a personal appearance by Respondent before the Board or its designated agent to answer questions regarding a potential work setting; and

b. Respondent shall refrain from working with ventilator-dependent patients.

### **Continuing education**

2. Within twelve [12] months from the date of this order, Respondent shall submit acceptable documentation of successful completion of at least eighteen [18] hours of continuing education or of other training approved by the Board in the areas of legal aspects of documentation, pulmonary care, nursing ethics and responsibilities. Respondent shall also complete at least twelve [12] hours of continuing education or therapy in the areas of stress management and dealing with emergencies. To be acceptable, a course

shall be pre-approved by a member or designated agent of the Board of Nursing. Acceptable documentation of completion of continuing education shall include: certification from the sponsoring organization as well as a statement signed by Respondent verifying her attendance at the course and completion of course requirements.

3. Respondent shall be responsible for all expenses incurred by her in complying with the terms of this Order.

### **Required reporting**

4. For a period of at least one [1] year from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement.

5. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

### **Department Monitor**

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving reports and coordinating all requests for approval of education or other petitions. The Department Monitor may be reached as follows: Department Monitor c/o Division of Enforcement, PO Box 8935, Madison, WI 53708-8935. TEL (608) 267-3817, FAX (608) 266-2264.

### **Petition for modifications of restrictions**

7. Upon completion of: one [1] year of complete, successful and continuous compliance with the terms of this Order that includes one [1] year of nursing employment under the terms of this Order; Respondent may petition the Board to revise or eliminate any of the above conditions. Any petition for a return to work with ventilator-dependent patients shall as a minimum include proof acceptable to the board of recent re-certification in nursing ventilator care. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

### **SUMMARY SUSPENSION**

**8. Violation of any of the other 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 pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. 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.**

### **Effective date of Order**

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

BOARD OF NURSING

By: Linda Sanner

10-04-02

On behalf of the Board

Date