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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
SHELLY L. HOLMES, R.N.,	:	LS0404261NUR
RESPONDENT	:	

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

Shelly L. Holmes, R.N.
410 Concord Drive
Oregon, Wisconsin, 53575

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Shelly L. Holmes, R.N., (DOB 09/14/1974), is duly licensed as a registered nurse in the state of Wisconsin (license #130659). This license was first granted on September 4, 1998.
2. Ms. Holmes' latest address on file with the Department of Regulation and Licensing is 410 Concord Drive, Oregon, Wisconsin, 53575.
3. At all relevant times, Respondent was a registered nurse licensed by the State of Wisconsin. Respondent was also a volunteer Emergency Medical Technician ("E.M.T.").
4. At all relevant times, Respondent operated a day care facility at her home.

N.V.'s First Reported Seizure

5. On or about September 10, 2002, Respondent called an ambulance, claiming that 15 month old N.V., a day care child in her home, had had a grand mal seizure.

6. When N.V. arrived at the hospital, medical staff could find no evidence that a seizure had occurred.

7. A follow up visit to a neurologist three days later confirmed that N.V. was healthy and had no signs of a seizure disorder. However, the neurologist prescribed Diastat to be used in the event of seizures.

N.V.'s Second and Third Reported Seizures

8. On or about September 26, 2002, Respondent reported to N.V.'s mother that N.V. had another seizure. Respondent said that she administered the Diastat, and that he was okay at that time.

9. When N.V.'s mother arrived at Respondent's residence to pick N.V. up, an ambulance was there. Respondent told her that N.V. had a second seizure after the telephone call, and had stopped breathing. Respondent stated that she performed rescue breathing until N.V. began to breathe spontaneously.

10. When N.V. arrived at the hospital, medical staff could find no evidence that a seizure had occurred. This was confirmed at a follow up visit to a neurologist. However, the neurologist prescribed Phenobarbital as a contingency measure.

N.V.'s Fourth Reported Seizure

11. On or about October 3, 2002, Respondent called an ambulance again, stating that N.V. had had another seizure and this time was a "pulse-less non-breather."

12. When Dodgeville Police Department staff arrived, Respondent was performing rescue breathing on N.V. (but no chest compressions). The responding patrolman noted that N.V. seemed to be trying to breathe on his own at the time.

13. When N.V. arrived at the hospital, there was no evidence that he had had a seizure.

14. At this time, hospital staff suggested to N.V.'s mother that N.V. may be healthy and that Respondent may be suffering from a psychological disorder that caused her to falsely report his symptoms.

N.V.'s Evaluation

15. It was decided that N.V. would be transferred to St. Mary's hospital in Madison Wisconsin for a 72-hour EEG. Respondent, a volunteer EMT, insisted on driving the ambulance.

16. After the 72-hour evaluation, the hospital staff at St. Mary's hospital concluded that N.V. was healthy and had no seizure disorder.

17. N.V. did not return to Respondent's care, and he has been healthy with no seizures since.

Respondent's First Evaluation

18. A psychological evaluation of Respondent was performed in or about December 2002 and January-February 2003 by Dr. Patrick Kane.

19. Dr. Kane concluded that Respondent's behavior as described above was the result of a conversion disorder.

20. Dr. Kane concluded that, most likely, the Respondent was unaware that she was reporting false events.

21. Dr. Kane concluded that the Respondent's condition was difficult to treat, and the recovery rate is low.

Respondent's Second Evaluation

22. A psychological evaluation of Respondent was performed, by agreement of the parties to this action, in or about August 2004 through November 2004, by Dr. Michael Spierer.

23. Dr. Spierer concluded that Ms. Holmes met the criteria for the following diagnoses:

- (a) Axis I: Factitious Disorder with Predominantly Physical Signs and Symptoms (Rule-out Conversion Disorder); and
- (b) Axis II: Personality Disorder, not otherwise specified, with histrionic and narcissistic features.

24. Although it is not disorder recognized by the American Psychiatric Association and formalized in its Diagnostic and Statistical Manual, Dr. Spierer also noted that Respondent's presentation is consistent with Munchausen by Proxy syndrome, a type of factitious disorder in which a caregiver describes a pattern of symptoms in someone in her care, usually a child, that is fabricated or exaggerated.

25. Dr. Spierer noted that treatment of Factitious Disorder is difficult. However he also noted that Respondent's employers regarded her as an excellent nurse and he believes that she may be able to practice with treatment and supervision as described in the Order below.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(c) and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 5 through 25, above, constitutes misconduct pursuant to Wis. Admin. Code § N 7.04(4), demonstrates Respondent's mental incompetency as defined by Wisconsin Administrative Code § N 7.03(3) and constitutes grounds for revocation pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

- 1. The stipulation of the parties is approved.
- 2. The license of Shelly Holmes to practice nursing in the State of Wisconsin (license # 130659) is indefinitely **SUSPENDED**.
- 3. The suspension of Ms. Holmes license to practice nursing in the State of Wisconsin may be **STAYED** upon proof to the satisfaction of the Board of Nursing of all of the following:
 - a. Ms. Holmes has entered into psychoanalytical therapy with a therapist approved in advance by the Board of Nursing. Dr. C. Brooks Brenneis and Dr. Mark Trewartha are approved therapists for purposes of this Order.
 - b. Before beginning therapy, Ms. Holmes' therapist was provided with a copy of this order as well as with copies of the mental status evaluations of Dr. Kane and Dr. Spierer.
 - c. Ms. Holmes' therapist has established a therapeutic relationship with her. There will be a rebuttable presumption that therapy must be on-going, on a weekly basis, one hour per week, for at least 2-3 months for a therapeutic relationship to develop.
 - d. Ms. Holmes' therapist is of the belief that she is able to safely practice as a nurse on a limited basis as described below and can articulate reasons for that belief to the board's satisfaction.

4. Upon a stay of the suspension, Respondent's license is LIMITED as follows:
- a. Ms. Holmes must continue therapy with the therapist described above as recommended by the therapist but no less often than bi-weekly until such time as the board orders otherwise.
 - b. Ms. Holmes may practice in a clinic setting only, at a clinic to be approved in advance by the board. The clinic must have a staff supervisor who is a registered nurse ("the RN supervisor").
 - c. Ms. Holmes must be directly supervised at all times, on site, by the RN supervisor. The RN supervisor and the physician with whom Ms. Holmes works must be given a copy of this order and of the reports of Dr. Kane and Dr. Spierer. The RN supervisor and the physician with whom Ms. Holmes works must each report to the board on a monthly basis regarding Ms. Holmes' work in a format to be provided by the Department Monitor.
 - d. The Board may revoke the stay and reinstate the suspension at any time if it determines that patient health, safety or welfare so warrants.
5. Upon the recommendation of Ms. Holmes' therapist, Respondent may petition the Board to modify the limitations on her license to allow her to gradually work in less supervised settings. Approval of less supervised settings is in the sole discretion of the board with consideration of the therapist's recommendation. 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.
6. Upon the recommendations of her therapist, Respondent may petition the Board to eliminate the limitations on her license and/or end the suspension. The decision to eliminate any of the limitations or to end the suspension is in the sole discretion of the board. 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.
7. 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. In the event Respondent fails to pay costs as ordered the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
8. Respondent shall, by February 27, 2006, pay the costs of this proceeding in the amount of \$10,000 to the Department of Regulation and Licensing, pursuant to § 440.22(2), Stats. Payment shall be mailed 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
Telephone: (608) 267-3817

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

Jacqueline Johnsrud, RN
Member of the Board

3-10-05
Date