

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
SABRINA MILLER, R.N., : LS# 0608023 NUR  
RESPONDENT. :

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Division of Enforcement Case # 03 NUR 239

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

Sabrina Miller, R.N.  
2700 Humboldt Road, Apt. 17  
Green Bay, WI 54311

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 & 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. Sabrina Miller, R.N., (DOB 05/19/1962) is duly licensed as a registered nurse in the State of Wisconsin (license # 142746). This license was first granted on October 10, 2002.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 2700 Humboldt Road, Apt. 17, Green Bay, Wisconsin.
3. On September 3<sup>rd</sup> and 4<sup>th</sup>, 2003, Respondent worked two separate shifts in two separate units as a pool nurse at Maple Lane Health Care Center in Shawano, Wisconsin. She was placed there by PRN Services, her employer.
4. Respondent failed to complete her assigned responsibilities and neglected to administer several medications as ordered by the physician for residents under her care during her shifts on September 3 and 4, 2003, including:
  - (a) She did not administer medications as scheduled for at least ten residents. At times she did not chart anything

on those medications and at times she indicated that the patients had refused the medications. These patients did not generally refuse medications and many had no history of refusing medications at all. At least one patient was unable to refuse medications.

- (b) She failed to perform monthly orthostatic blood pressure checks on at least two patients, which were scheduled for her shift.
- (c) She failed to perform a weekly skin assessment on a patient which was scheduled for her shift.
- (d) She did not document an evening accu-check for one resident.
- (e) She left her medication cart unlocked and unsupervised.

5. Respondent was approached about her medication errors and asked to fill out a medication error report. Respondent did not adequately complete the report.

### CONCLUSIONS OF LAW

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

2. Respondent's conduct as described in paragraphs 4-5 above constitutes violations of Wis. Admin. Code §§ N 6.03 and N 7.03(1), and subjects her to discipline pursuant to Wis. Admin. Code § N 6.05 and Wis. Stat. § 441.07(1)(c) and (d).

### ORDER

IT IS ORDERED :

- 1. Sabrina Miller, R.N. is **REPRIMANDED**.
- 2. The license of Sabrina Miller, R.N. to practice as a registered nurse in the State of Wisconsin, and her privilege to practice pursuant to the multi-state nursing licensure compact, is **LIMITED** as follows:
  - (a) Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
  - (b) Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care.
  - (c) It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
  - (d) Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
  - (e) Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
  - (f) Pursuant to Uniform Nursing Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation and any subsequent related limitations. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and of the regulatory board in the state in which Respondent proposes to practice.
- 3. **DEFERRED CAREGIVER:** If Respondent fails to fully and completely comply with all terms and

conditions set forth in this order, or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services that the findings set forth in this Order shall thereafter constitute an agency finding of neglect for the purposes of secs. 48.685 and 50.065, Wis. Stats. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand Dollars (\$2,000.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. Violation of any of the 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. 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(#142746) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

10-12-2006  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
SABRINA MILLER, R.N., : STIPULATION  
RESPONDENT. : LS# 0608023 NUR

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Division of Enforcement Case # 03 NUR 239

The Division of Enforcement, upon information and belief, alleges:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 03 NUR 239). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent 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. 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. 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 Wis. Stats. §§ 48.685 and 50.065. Respondent understands that if she fails to fully and completely comply with all terms and conditions set forth in the attached order, or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services

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

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Sabrina Miller, R.N.  
2700 Humboldt Road, Apt. 17  
Green Bay, WI 54311

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Date

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Jeanette Lytle, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date