

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KATHLEEN M. HART, R.N.,
RESPONDENT.

ORDER FIXING COSTS
LS0705171NUR

On August 30, 2007, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Admin. Code, on or about September 5, 2007, the Board of Nursing received the Affidavit of Costs in the amount of \$1,644.73, filed by Attorney John R. Zwieg. On or about September 4, 2007, the Board of Nursing received the Affidavit of Costs of the Office of Legal Counsel in the amount of \$134.29, filed by Administrative Law Judge William A. Black. The Board of Nursing considered the Affidavits of Costs on October 4, 2007, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$1,779.02, set forth in the Affidavits of Costs of Attorney John R. Zwieg and Administrative Law Judge William A. Black, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by respondent to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before November 3, 2007, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Department of Regulation and Licensing may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

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

Dated this 4th day of October, 2007.

BOARD OF NURSING

By: Marilyn Kaufmann
Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

KATHLEEN M HART,

RESPONDENT

AFFIDAVIT OF COSTS

LS0705171NUR

05NUR358

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Being duly on affirmation, the undersigned employee of the Department of Regulation and Licensing, upon information and belief, deposes and states as follows:

That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE — JOHN ZWIEG

DATE	ACTIVITY	HOURS	MINUTES
12/20/2005	Admin report	0	12
04/21/2006	E-mail & case summary from S Rohland (SR); reply	0	18
04/24/2006	Review file; disc w/ SR; e-mail to case advisor (CA)	1	30
04/26/2006	Review e-mail from CA; review of records & reply	0	42
04/27/2006	E-mail from CA; review of file & e-mail to SR	0	48
05/04/2006	E-mail & memo from SR re call from Dr Adams; e-mail to CA	0	24
04/06/2007	Begin review of file & edit of fd&o	0	48
04/09/2007	Complete edit of fd&o & stip; ltr to Respondent (R) & e-mail to CA	2	54
04/30/2007	Note no response to stip; disc w/ J Johnson (JJ) & e-mail to SR	0	30
05/08/2007	Review file & revise complaint & complete complaint approval form	1	12
06/18/2007	E-mail to ALJ re no contact from R	0	12
06/19/2007	Prep & appear for hearing	0	48
07/11/2007	Review proposed decision	0	12
08/22/2007	Obtain & review BON agenda to determine if matter is to be considered 8/30	0	18
08/31/2007	E-mail from Office of Legal Counsel re affidavit of costs	0	12
09/04/2007	Review signed fd&o	0	12
TOTAL PROSECUTING ATTORNEY EXPENSE ---		11 HOURS AND	12 MINUTES
(Based on their average salary and benefits at the Division of Enforcement)		TOTALS	11 HOURS AND 12 MINUTES
AT \$53.71 PER HOUR = \$601.55			

INVESTIGATOR EXPENSE — STEVEN A ROHLAND

DATE	ACTIVITY	HOURS	MINUTES
12/05/2005	Received & reviewed new file; checked CCAP; ltr w/ releases to Respondent (R); file maintenance; note to calendar	1	0
12/15/2005	Received release from R, no ltr of response; copied release, sent w/ ltr to clinic for R's tx recds after searching for and locating clinic info on Internet; note to file & calendar	0	45
01/05/2006	Reviewed pt tx recds received, reviewed complaint; checked recds for pharmacy used, located; prepared & faxed pt. profile request to Walgreens	1	0
01/19/2006	Received & reviewed pt Rx profile from Walgreens; checked CHS & located 2nd/new Dr listed on Rx profile; reviewed pt recds from Somerset Clinic; 146.82 ltr to New Richmond Clinic for pt recds	1	15
01/25/2006	Voice mail from tx facility; returned call & left voice mail message; memo; looked up Rx'ing Dr info on CHS & Internet, sent new ltr w/ release to R; note to calendar	2	0
02/07/2006	Received release & response from R, read response, copied release; ltr w/ release to Dr Sletten for tx recds; note to file & calendar	1	0
02/20/2006	Recds ltr received back from tx provider w/ note, resent ltr w/ release to different address; note to file & calendar	0	30
02/28/2006	Recds request back from Dr Sletten said he didn't see her at that location; phn call to R, left message requesting location/address she saw Dr Sletten at; checked Internet to try & locate more addresses for Dr	0	45
03/01/2006	Phn call to R, left message; copied R's response to send to case advisor (CA) later; call from R, obtained info; new ltr w/ release to Dr Sletten for Tx recds on R	0	45

INVESTIGATOR EXPENSE -- STEVEN A ROHLAND

DATE	ACTIVITY	HOURS	MINUTES
03/21/2006	Tx recds not here yet, copied ltr & resent w/ copy of release; note to file & calendar, next due date 4/3/06	0	15
03/22/2006	Received tx recds from Dr Sletten, reviewed; printed CCAP info ref 03 traffic ticket; reviewed R's previous response & file materials; prepared & sent ltr to R w/ release, requesting AODA assessment	2	0
04/07/2006	Response/materials received from R, reviewed & copied; reviewed records & materials; case summary	2	30
04/10/2006	Reviewed file, searched for & located address info; ltr w/ release to St Croix Co for tx/assessment recds; note to file & calendar	1	0
04/21/2006	Received & read information/tx recds/assessment; copied this & additional materials for CA; added to & printed case summ; ltr to CA, not sent yet; e-mail to atty Zwiig (JZ); file to JZ for now	2	45
04/25/2006	File back from JZ, printed memo to CA for file; organized file, put materials in expandable folder; note to calendar; file maintenance	0	30
04/27/2006	E-mail from JZ, printed & referred to for follow-up; file back; reviewed pt. med recds & prepared ltrs to Dr.'s Adams & Sletten; copied tx recds, sent w/ltrs, response requested per CA & JZ; notes to file & calendar	2	0
05/04/2006	Phn call from/to Dr Adams; memo, printed for file & e-mailed to JZ	0	30
04/30/2007	File & e-mail from JZ; tried to call R, call wouldn't go through, will try again this wk; searched Internet, Lexis, CCAP, for new phn # and/or address, located more current address on CCAP, printed; no new phn # located	1	30
05/01/2007	More phn call attempts; more searching for R/phn number; memo; file back to JRZ; cts file main	1	0

TOTAL INVESTIGATOR EXPENSE -- 23 HOURS AND 0 MINUTES
(Based on their average salary and benefits at the Division of Enforcement)

	TOTALS	23	0
AT \$27.45 PER HOUR = \$631.35			

MISCELLANEOUS EXPENSE -- JANE M BRISCHKE

DATE	ACTIVITY	COST
02/01/2006	Copy charge - Confidential Copies (Stillwater Medical Group)	\$ 9.00

PARALEGAL EXPENSE -- JAN JOHNSON

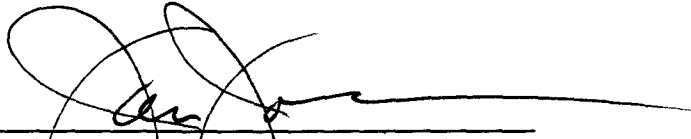
DATE	ACTIVITY	HOURS	MINUTES
04/25/2006	Review atty Zwiig's (JZ) e-mail to case advisor (CA) & case summary	0	10
04/27/2006	Review JZ's e-mails to CA & S Rohland (SR)	0	10
05/10/2006	Review note from SR & response from Dr Sletten; look for file & SR; disc w/ JZ	0	15
05/11/2006	Disc w/ & obtain file from SR; look thru/organize file materials	0	15
05/23/2006	Start reviewing file	0	35
05/24/2006	Review/organize file; ck CCAPS; print out recent charge info; draft stip; format & start drafting fd&o; notes for JZ	5	45
05/25/2006	Continue drafting fd&o; ck CCAP/print out updated info; disc w/ SR	4	5
05/26/2006	Review rough draft of fd&o/edit/finish - to JZ (note ?'s to discuss); update JZ's list	1	10
12/22/2006	Ck CHS for lic status - refresh; ck/print out update CCAP info/conviction - note to disc w/ JZ	0	25
04/10/2007	Review JZ's e-mails to/from case advisor (CA); edit stip; disc w/ JZ; proof JZ's ltr to R; proof/edit fd&o; make copies & send; FM; tickle calendar; file	1	0
04/30/2007	Disc w/ JZ; ck CTS; review JZ's e-mail to SR	0	10
05/01/2007	Start drafting complaint	0	20
05/02/2007	Review/finish rough draft of complaint; rough draft of hearing notice	0	25
05/08/2007	Disc w/ D Williams (DW); receive ret'd stip/fd&o (4/10 mailing); file & rough draft of complaint to & disc w/ JZ; proof/edit complaint; make copies-to M Berndt (MB)	0	35
05/16/2007	Receive complaint from MB; disc w/ JZ; e-mail to P Haack (PH) re ALJ/hearing date	0	15
05/17/2007	E-mail from PH re ALJ/forward to JZ; finalize hearing notice; process-file/serve complaint; disc w/ D Petersen (DP) re postage changes; draft/process affid of serv; assemble pleadings file; FM; tickle calendar; file; update JZ's hearing chart	2	10
06/18/2007	Review JZ's e-mail to ALJ	0	5
06/19/2007	Disc w/ JZ-prep for hearing; attend hearing	0	30
06/26/2007	Receive ret'd complaint (cert); file	0	10
07/11/2007	Receive/review Prop Dec; tickle calendar; file	0	10

TOTAL PARALEGAL EXPENSE -- 18 HOURS AND 40 MINUTES
(Based on their average salary and benefits at the Division of Enforcement)

	TOTALS	18	40
AT \$21.58 PER HOUR = \$402.83			

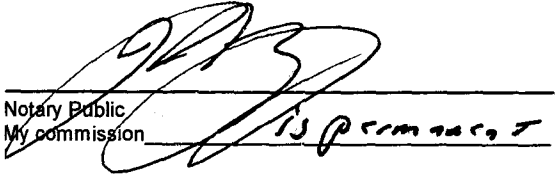
EXPENSE SUMMARY

PROSECUTING ATTORNEY EXPENSE ---	JOHN ZWIEG	\$601.55
INVESTIGATOR EXPENSE ---	STEVEN A ROHLAND	\$631.35
MISCELLANEOUS EXPENSE ---	JANE M BRISCHKE	\$9.00
PARALEGAL EXPENSE ---	JAN JOHNSON	\$402.83
	TOTAL ASSESSABLE COST >>>>	\$1,644.73



Jan Johnson, Paralegal

Subscribed and affirmed to before me this
05th of September, 2007



Notary Public
My commission

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS :
 :
KATHLEEN M. HART, R.N., : AFFIDAVIT OF COSTS
 :
 : Case No. LS 0705171 NUR
RESPONDENT. :

William A. Black affirms the following before a notary public for use in this action, subject to the penalties for perjury in sec. 946.31, Wis. Stats.:

1. I am an attorney licensed to practice law in the State of Wisconsin, and am employed by the Wisconsin Department of Regulation and Licensing, Office of Legal Counsel.

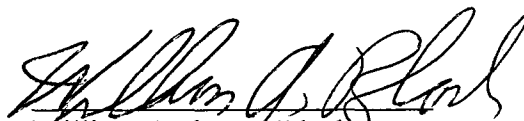
2. Expenses for the Office of Legal Counsel are set out below:

a. Administrative Law Judge Expense	
06/19/07 RRW (file and comp.)	15 min.
06/19/07 HRNG	10 min.
06/19/07 PDOC	25 min.
06/25/07 PDOC	25 min.
07/03/07 PDOC	60 min.

Total (135 min.) 2.25 hrs.

Total = 2.25 hrs @ \$37.465 hr. = \$ 84.29

b. Court reporter costs	= \$ 50.00
Total allocable costs for Office of Board Legal Services	= \$ 134.29


William Anderson Black
Administrative Law Judge

Sworn to and signed before me this 4th day of September, 2007

Peggy E. Hickman, Notary Public, State of Wisconsin.

My commission expires is permanent

HartCosts9-4-07

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

Celia M. Jackson
Secretary



September 14, 2007

Kathleen M. Hart, R.N.
2351 53rd Street
Somerset, WI 54025

RE: In The Matter of Disciplinary Proceedings Against Kathleen M. Hart, R.N.,
Respondent, LS0705171NUR

Dear Ms. Hart:

On August 30, 2007, the Board of Nursing issued an order involving your license to practice as a registered nurse in the state of Wisconsin. The Board of Nursing ordered that the assessable costs of the proceeding be imposed.

Enclosed please find the Affidavits of Costs of the Office of Legal Counsel and the Division of Enforcement in the above-captioned matter. The total amount of the costs of the proceeding is \$1,779.02.

Under sec. RL 2.18, Wis. Admin. Code, objections to the affidavits of costs shall be filed in writing. **Your objections must be received at the office of the Department of Regulation and Licensing, Division of Board Services, Board of Nursing, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708, on or before September 29, 2007.** After reviewing the objections, if any, the Board of Nursing will issue an Order Fixing Costs. Under s. 440.22 (3), Wis. Stats., the department may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Handwritten signature of Pamela A. Haack in cursive script.

Pamela A. Haack, Paralegal
Office of Legal Counsel

Enclosures

cc: Board of Nursing
William A. Black, ALJ
John R. Zwiag, Attorney
Department Monitor