

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
SHELLEY J. COREY, R.N., : LS0806055NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 042]

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

Shelley J. Corey, R.N.
3361 W. Ruskin Street
Milwaukee, WI 53215

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

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Shelley J. Corey, R.N., Respondent, date of birth March 20, 1966, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 126779, which was first granted July 21, 1997.

2. Respondent's address of record with the Department of Regulation and Licensing is 3361 W. Ruskin Street, Milwaukee, WI 53215.

3. On all dates relevant to these matters, Respondent was employed as an independent registered nurse who provided private duty nursing within the state of Wisconsin. As an independent nurse, Respondent obtained a provider number from the Department of Health and Family Services (DHFS), which equipped her to bill the Wisconsin Medicaid Program as a third-party-payer for services authorized by Medicaid. Respondent used Professional Homecare Providers (PHP) as a referral source for potential clients. (PHP is a non-profit professional organization for independent nurses.) Respondent's duties as an independent registered nurse included patient assessments, medication administration and following physician-directed health plans.

4. BP is the legal guardian for her daughter, TP, who has complex health issues including a tracheotomy, ventilator dependency, and developmental delay. In November 2006, Respondent contacted BP and scheduled an interview. BP retained Respondent's services for Wednesdays and Thursdays, commencing December 6, 2006.

5. Respondent attended orientation on December 5, 2006 and December 6, 2006. On Wednesday, December 13, 2006 and Thursday, December 14, 2006, Respondent called to say she would not be at work due to illness. On Wednesday, December 20, 2006 and Thursday, December 21, 2006, Respondent was scheduled to provide care to TP.

Respondent did not show up for work as scheduled on December 20, 2006, nor on December 21, 2006. Respondent did not call in advance of failing to report for duty, nor did she call afterward to explain her absence.

6. TP's parents and TP's case advisor repeatedly attempted to contact Respondent regarding Respondent's failure to report for scheduled care of her patient. Respondent did not answer either of two telephone numbers she had provided. To date, Respondent has never responded to TP's parents nor to TP's case advisor.

7. Electronic Data Systems (EDS) is the company responsible for processing payments on behalf of DHFS and Wisconsin's Medicaid Program. Ms. Lisa LeBissioniere, fraud investigator for EDS, reports that Respondent requested payment for seven dates on which she claimed to have provided in-home care for TP. Of the seven dates, Respondent actually worked on only one date, December 6, 2006. As a result, Respondent was paid \$2,125.88 for services she did not provide. Additionally, Respondent double-billed EDS for services she claimed to have provided on December 6, 2006.

8. BA is the mother of an eight-year-old boy, AA. AA has central congenital hypoventilation syndrome and therefore, has a tracheotomy and a feeding tube. AA is on a ventilator at night but is able to attend school during the day.

9. In June of 2006, BA interviewed Respondent and hired her to provide care for AA on Mondays and Tuesdays.

10. On several occasions, Respondent failed to show up for scheduled orientations but finally, on August 11, 2006, Respondent did report as scheduled. Respondent's duties included: provision of morning cares for AA, administer medications, provision of physical and academic cares during the school day, continued monitoring of the child's health status, charting, and responsibility for getting the child to and from school via bus.

11. Between August 14, 2006 and September 19, 2006, Respondent was scheduled to provide care for AA on eleven dates. Respondent called in sick on September 11, 2006 and on September 12, 2006.

12. On September 18, 2006, without authorization from a physician or AA's parents, Respondent attempted to arrange for a teacher to provide care for AA while she, Respondent, went to lunch. The teacher refused, indicating that she was not qualified to meet the child's medical needs.

13. On September 19, 2006, Respondent failed to report for work, leaving AA's parents without care for AA. Respondent did not call in advance of her absence nor did she later call to explain her absence.

14. An EDS investigation revealed that on two dates, Respondent billed for services she claimed to have provided AA when she did not actually work on those two dates.

15. The ordinary standard of care for a registered nurse who cares for patients in the condition of TP and AA requires that the nurse report for duty as scheduled or to notify her employer if she is unable to report for duty so that alternate care can be arranged. If a nurse is unable to notify her employer in advance, the ordinary standard of care requires the nurse to communicate with her employer as soon as possible.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

COUNT ONE

2. Respondent, by engaging in conduct as set out in paragraphs 4-7, and 15, above, has committed negligence as defined by Wis. Adm. Code § N 7.03(1), and is therefore subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

COUNT TWO

3. Respondent, by engaging in conduct as set out in paragraphs 8-13, and 15, above, has committed negligence as defined by Wis. Adm. Code § N 7.03(1), and is therefore subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

COUNT THREE

4. Respondent, by engaging in the conduct set out in paragraph 7, above, has committed misconduct and

unprofessional conduct as defined by Wis. Adm. Code § N 7.04(13), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

COUNT FOUR

5. Respondent, by engaging in the conduct set out in paragraph 14, above, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(13), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Shelley J. Corey, R.N., Respondent, as a registered nurse in the state of Wisconsin is hereby **SUSPENDED** for a period of sixty (60) days.
2. For three (3) years following the end of the suspension, Respondent's license is **LIMITED** as follows:
 - a. Respondent shall practice only in a work setting pre-approved by the Board or its designee.
 - 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, care giver or other health care provider, during the three-year period.
 - 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 indicate Respondents scheduled hours, along with a statement of hours actually worked, with an indication of whether absences were accompanied with adequate notice and explanations. The reports shall assess Respondent's work performance, and shall say whether Respondent's work hours have complied with the above limitations.
 - d. Respondent shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,170.00 pursuant to Wis. Stat. § 440.22(2).
4. Payment, requests, and required proofs shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817
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 timely pay costs as ordered, Respondent's license **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order is effective on the date of its signing.

By: Kathleen Sullivan
A Member of the Board

6/5/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
SHELLEY J. COREY, R.N., : LS _____ NUR
RESPONDENT. :

[Division of Enforcement Case # 07 NUR 042]

It is hereby stipulated and agreed, by and between Shelley J. Corey, R.N., Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 07 NUR 042). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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 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. 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 the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board accepts the Stipulation, Respondent's license shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. 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.

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

Shelley J. Corey, R.N.
Respondent
3361 W. Ruskin Street
Milwaukee, WI 53215

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date