

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
SUSAN KOTT, R.N.,	:	
RESPONDENT.	:	ORDER 0000231

Division of Enforcement Case # 09 NUR 045

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

Susan Kott
310 5th Street # 16
Waterford, WI 53185

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. Susan Kott, L.P.N., (DOB 01/02/1952) is duly licensed as a practical nurse in the State of Wisconsin (license #31-20855). This license was first granted on November 28, 1978.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 310 5th Street # 16, Waterford, Wisconsin, 53185.

3. On or about January 18, 2009, Respondent was called to assess a brain-injured resident who had pulled a feeding tube pole down on himself. As respondent and a nursing assistant were cleaning the resident up, Respondent stated: "You do this again I'll write you up and you will get kicked out of here and I don't care if you're out on the street!"

4. As the Respondent and the nursing assistant were changing the sheets, the resident put his hand down the front of his pants, and Respondent said: "That's disgusting, get your hand out of your brief! Roll over!" as the resident reached out to roll himself over the Respondent said "Don't touch me! You just had your hand in your pants, you're disgusting!" Then the nurse threw a wipe at him and said "wash your hands!"

5. Before leaving, the Respondent said "Don't do this again, it could fall on your head and crack your skull open and there will be lots and lots of blood and I'm not just saying this to scare you there will be lots of blood."

6. When they were done, Respondent said to the nursing assistant: "You have to talk to them like that, that's the only way they listen."

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. The conduct described in paragraphs 3 - 6 above constitutes a violation of Wisconsin Administrative Code § N 7.04(4) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. Susan Kott, L.P.N., is REPRIMANDED.

2. The license of Susan Kott, L.P.N. to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

- (a) Within ninety (90) days of the date of this Order, Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in anger management and four (4) hours of

pre-approved continuing education in nursing with brain-injured patients. Respondent is responsible for finding appropriate courses and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the Board's meeting schedule

- (b) For a period of at least two (2) years 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, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
- (c) For a period of at least two (2) years from the date of this Order, 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.
- (d) 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.

3. Pursuant to the Nurse Licensure Compact, Respondent's nursing practice is limited to Wisconsin during the pendency of the above 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.

4. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Four Hundred Dollars (\$400.00), pursuant to Wis. Stat. § 440.22(2).

5. All payments, reports and other correspondence shall be directed to the Department Monitor, as follows:

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

6. 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 that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

6/3/10
Date