

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KATHLEEN M. BRAND-OLSEN, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER0000471

Division of Enforcement Case # 10 NUR 173

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

Kathleen M. Brand-Olsen, L.P.N.
5852 Christine Court
Burlington, WI 53105

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kathleen M. Brand-Olsen, L.P.N., Respondent, date of birth June 19, 1974, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 302520, which was first granted April 20, 2000.
2. Respondent is not, and has never been, licensed as a registered nurse in Wisconsin, or any other state.
3. Respondent's last address reported to the Department of Regulation and Licensing is 5852 Christine Court, Burlington, WI 53105.

4. On December 29, 2008, Respondent was hired as a licensed practical nurse (LPN) at Willowfield Nursing and Rehabilitation Center in Delavan, Wisconsin. On her application for employment, Respondent listed in her employment history that from June 2006-2008, she had worked as a registered nurse/assistant director of nursing (RN/ADON) at Ridgecrest Healthcare in Phoenix, Arizona.

5. During the course of her employment, Respondent informed the Director of Nursing (DON) that she was also licensed as a registered nurse (RN) in Arizona. Respondent presented her employer with a copy of her purported Arizona RN license.

6. Wisconsin and Arizona are party states to the Nurse Licensure Compact, which provides for multistate licensure privileges and allows a nurse with a license from a "home state" to engage in the practice of nursing in all other party states, which are called "remote states." Therefore Respondent's employer completed an on-line licensure verification on the Arizona Board's website to verify the validity of Respondent's license, and on April 27, 2009, Respondent was promoted to RN supervisor.

7. On September 23, 2009, Respondent's employment was terminated under the Willowfield discipline policy for continued failures to meet standards of practice, including, among other things:

- 4/2/09 – deficient practice;
- 4/9/09 – admission paperwork not complete;
- 5/16/09 – provided wrong information regarding documentation;
- 7/2/09 – failure to administer medications as ordered;
- 8/12/09 – failure to administer medications as ordered;
- 9/20/09- failure to complete job duties; neglecting residents; serious violation of a safety rule

8. Willowfield administrators later determined that Respondent had provided them with fraudulent credentials from Arizona. The Arizona RN license provided was actually for a different individual, a Kathleen A. Brand, who was licensed in Arizona as an RN.

9. Respondent worked as a RN in Arizona, using the same fraudulent credentials.

10. Respondent was terminated from Willowfield, and later hired at another nursing home as an LPN. In or about June, 2010, several patients complained that they had not received narcotic pain medications that Respondent had signed out for them. A review of records also showed that Respondent had signed out more PRN narcotics than other nurses. Respondent submitted to a drug test, which was negative. However she was subsequently suspended from employment for continuing suspicion of diversion of medications.

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, by practicing as a registered nurse in Wisconsin without holding a Wisconsin license, or other compact state license, as a registered nurse, violated Wis. Stat. § 441.06(4) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b).

3. Respondent's conduct as described in paragraphs 7 and 10 above constitutes negligence and unprofessional conduct and a violation of N 7.03(1), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. The license of Kathleen M. Brand-Olsen, L.P.N., Respondent, to practice as a nurse in the State of Wisconsin, and her privilege to practice in Wisconsin under another state's license pursuant to the Nurse Licensure Compact, shall be **SUSPENDED** for an indefinite period of no less than one year.

2. After one year, Respondent may petition the Board to end the suspension. Prior to the end of the suspension, Respondent shall submit to an alcohol and drug assessment with an assessor who has not treated Respondent in the past and who has been pre-approved by the Board. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor. In addition to the limitations described elsewhere in this Order, Respondent's license may be limited by the Board in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to alcohol and drug treatment and random drug testing.

3. Following the end of the suspension, Respondent's license is **LIMITED** for no less than five (5) years, as follows:

a. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of having completed, at her own expense, eight (8) hours of continuing education in ethics, which course(s) shall first be approved by the Board, or its designee.

b. Respondent shall provide her supervisor(s), at any place of employment as a nurse, with a copy of this Final Decision and Order prior to resuming or commencing that employment.

c. Respondent shall notify the Department Monitor of each employment as a nurse and the name and contact information for her supervisor(s) at each employment, within 10 days of becoming employed as a nurse.

d. Respondent's supervisor(s) shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

e. During the pendency of this Order and any subsequent related Orders, Respondent may not practice in another state pursuant to the Nurse Licensure

Compact under the authority of a Wisconsin license, unless Respondent receives prior written authorization to do so from both the Wisconsin Board of Nursing and the regulatory board in the other state.

4. 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 Eight Hundred Dollars (\$800.00) pursuant to Wis. Stat. § 440.22(2).

5. Any requests, reports, evidence of completion of educational programs and payment shall be mailed, faxed 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

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 or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Board or its designee, BE OR REMAIN SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

Wisconsin Board of Nursing

By: Karen L. Smith
A Member of the Board

10-14-10
Date