

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
MICHELLE MARIE OBERMUELLER, L.P.N.,	:	Order <u>0000527</u>
RESPONDENT.	:	

[Division of Enforcement Case # 10 NUR 221]

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

Michelle Marie Obermueller, R.N.
1178 Circle Pine Drive
New Richmond, WI 54017

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. Michelle Marie Obermueller, L.P.N., Respondent, date of birth February 24, 1978, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 303610, which was first granted February 14, 2002.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1178 Circle Pine Drive, New Richmond, WI 54017.
3. During the events of this matter, Respondent was employed as a licensed practical nurse at Deerfield Gables Care Center in New Richmond, Wisconsin.

4. On May 17, 2010, Respondent's co-worker reported to administrators that she had witnessed Respondent verbally abusing residents, the most recent occurrence being that day. Respondent was immediately placed on administrative leave pending an investigation.

5. Other employees came forward during the investigation. Those employees reported that they had also witnessed Respondent behave inappropriately with residents, all of whom have varying levels of cognition:

- a. Telling one of the female residents who does not like to bathe that it was bath time, and then laughing when the resident became upset.
- b. Telling a resident that it was Christmas and Santa wouldn't come if she didn't behave.
- c. Talking about cats with a resident, knowing he did not like cats.
- d. Calling a resident an "ass hole" and then telling him that her name was another nurse's name. That resulted in the other nurse not being allowed to work with that resident.
- e. Calling a resident a "cripple."
- f. Telling a resident who fears she is in the basement that she is in the basement.

6. Respondent's employment was terminated on May 20, 2010.

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 engaging in the conduct set out above, has committed misconduct or unprofessional conduct as defined by Wis. Admin. Code § N 7.04(4) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Michelle Marie Obermueller, L.P.N., is REPRIMANDED for the above conduct.

2. Respondent's license 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. Respondent, at her own expense, shall complete six (6) hours of pre-approved continuing education in abuse and patient rights, within 90 days of the date of this Order. Respondent is responsible for finding appropriate course(s) and submitting the course information to the Board, or its designee, 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:

1) Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, during the two-year period.

2) Respondent shall practice 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.

3) 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.

4) 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.

5) 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.

6) 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.

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 \$250.00, pursuant to Wis. Stat. § 440.22(2).

4. Any requests, reports, evidence of completion of educational program(s) and payment shall be mailed, faxed or delivered to:

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 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 SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

Wisconsin Board of Nursing

By: Kathleen Shum
A Member of the Board

11-4-10
Date

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