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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: ORDER FOR SUMMARY SUSPENSION
PATTI A. SEIDLKASTER, R.N., :
RESPONDENT. : ORDER 0000741

Division of Enforcement Case Nos. 09NUR042 & 11NUR070

The Petition for Summary Suspension of March 4, 2011 was noticed to be presented at 9:20 a.m., or as soon thereafter as the matter could be heard, on March 24, 2011. At that time, attorney Chad W. Koplien appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Respondent did not appear.

The Wisconsin Board of Nursing, having considered the sworn March 4, 2011 Petition for Summary Suspension; the March 7, 2011 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Lori Hoechst, the U.S. Postal Service certified mail card and the March 23, 2011 Affidavit in Support of Petition for Summary Suspension of Steven A. Rohland; and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. On March 4, 2011, Paralegal Lori Hoechst served on Respondent the Notice of Petition for Summary Suspension, dated March 4, 2011, and the Petition for Summary suspension, dated March 4, 2011, by mailing a true and accurate copy of those documents by regular mail and certified mail to the latest address on file with the Department. The U.S. Postal Service certified mail card indicates that the mailing was received on March 7, 2011 and signed for by Craig Kaster, who is believed to be Respondent's spouse.

2. Patti A. Seidlkaster, (formerly Patricia A. Seidl), R.N., Respondent, date of birth December 14, 1965, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 112833, which was first granted March 24, 1993.

3. Respondent's last address reported to the Department of Regulation and Licensing is W5998 Strawflower Drive, Appleton, WI 54915.

09NUR042

4. On July 1, 2008, Respondent was involved in a motorcycle accident and suffered multiple traumas including a traumatic brain injury with bifrontal hemorrhagic contusions, multiple skull and facial fractures and complex pelvic fractures.

a. In August 2008, Respondent underwent a comprehensive neuropsychological examination and attained average scores for cognitive and emotional

functioning. The results showed Respondent looked very good in terms of her neurocognitive functioning, with no residual cognitive impairments in formalized testing. The evaluation indicated Respondent functioned well in quiet, calm settings but may not do well under stress and may have difficulty in settings that are more distracting. It was thought that her symptoms should resolve within 6 to 12 months post injury.

- b. In a document dated March 26, 2009, Thomas Van Sistine, M.D., a physiatrist from the ThedaCare Orthopedics Plus Center for Rehabilitation Services, stated that Respondent's bifrontal cerebral contusions sustained in her accident had resulted in an organic mood disorder with lability, which may have adversely affected her judgment and reasoning skills, possibly contributing to her conduct which resulted in criminal charges that were pending against her.
- c. In April 2009 and August 24, 2010, Respondent had appointments with Dr. Van Sistine and reported to him that she was having memory problems. At both appointments, Dr. Van Sistine noted her diagnoses included residual post traumatic organic mood disorder, post traumatic headaches and chronic pelvic-hip pain.

5. In October 2008, Respondent had been employed as a registered nurse at ThedaClark Hospital in Neenah for 18 years and was working in the Aylward Outpatient Surgery Center as an operating room nurse. Respondent stole prescription forms from her employment

- a. On October 1, 2008, Respondent went to a Walgreens Pharmacy in Appleton and had filled a forged prescription form from her worksite for 60 tablets of Percocet (oxycodone), a narcotic analgesic and Schedule II controlled substance.
- b. On December 11, 2008, Respondent returned to the Walgreens Pharmacy in Appleton and had filled another forged prescription form from her worksite for 60 tablets of Percocet.
- c. On January 5, 2009, Respondent went to a Walgreens Pharmacy in Menasha and attempted to fill a forged prescription form from her worksite for 60 tablets of Percocet. The pharmacist there was familiar with the physician's actual signature and became suspicious and alerted the hospital.
- d. Respondent was interviewed by hospital administrators and initially denied but later admitted she had stolen prescription pads from work and forged the name of a physician on prescriptions for Percocet. Respondent said she forged the prescriptions because subsequent to her accident, she suffers from headaches and pelvic pain. Respondent's employment was immediately terminated.
- e. On March 10, 2009, Respondent was charged in Winnebago County Wisconsin Circuit Court case number 2009CM000290 with one misdemeanor count of violating Wis. Stat. § 450.11(7)(a), Obtain

Prescription Drug w/ Fraud. Pursuant to a deferred prosecution agreement, on May 22, 2009, Respondent was placed in the Volunteers in Probation (VIP) Program for twelve months. Respondent successfully fulfilled the agreement and the charge was dismissed on March 5, 2010.

- f. On August 21, 2009, Respondent was charged in Outagamie County Wisconsin Circuit Court case number 2009CF00639 with two felony count of violating Wis. Stat. § 961.43(1)(a), Obtaining a Controlled Substance by Fraud. On June 21, 2010 Respondent entered into a 12 month long deferred prosecution agreement, by which she pled no contest to one count and the other count was dismissed but read in for sentencing.

6. Respondent, by engaging in the conduct set out in paragraph 5, above, has violated a law substantially related to practice under her license and obtained a drug as prohibited by law, and has committed misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(1) & (2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

7. Investigation 09NUR042 was opened on February 26, 2009 based on a report from ThedaClark that they had terminated Respondent's employment.

- a. The Division of Enforcement (DOE) was advised by Respondent's attorney that she had not been employed as a registered nurse since her employment was terminated on January 7, 2009. On March 19, 2009, in response to a DOE inquiry, Respondent sent a letter, which said she had not worked since her employment was terminated January 7, 2009 and she did not think she would ever be able to return to the medical field. Respondent retained an attorney and while the investigation was proceeding and while a resolution was being negotiated, Respondent's attorney continued to represent she was not working as a nurse. Based on that representation by Respondent's agent, DOE did not immediately seek summary suspension of Respondent's license and did not commence a disciplinary action.
- b. Early in the investigation, DOE obtained Respondent's treatment records to determine her condition. In October 2010, DOE requested that Respondent's physicians provide her treatment records for the intervening time period. The records were received and reviewed and a note dated August 24, 2010 says: "She got a job as a home care nurse in 05/2009 working 4 days per week. Now she is more in a supervisory position."
- c. On November 3, 2010, DOE advised Respondent's attorney of the discovery. On November 5, Respondent's attorney advised DOE that he did not know that Respondent was working as a nurse and his representations that she was not working as a nurse were based on what she told him.
- d. Respondent's attorney told DOE he asked Respondent to contact him about this, but that she had not responded.

8. Respondent, by falsely stating to DOE that she was not practicing as a nurse has violated the minimum standards of the profession necessary for the protection of the health, safety, or welfare of the public, which is misconduct and unprofessional conduct as defined by Wis. Admin. Code § N 7.04(intro) and which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

11NUR070

9. On February 22, 2011, DOE received a complaint against Respondent from Preferred Home Health Care, located in Menasha and Oshkosh. The complaint said Respondent's employment had been terminated on December 14, 2010.

- a. The complaint said one of the reasons for termination was that: "Her behavior was very inconsistent along with her moods."
- b. It also said that Respondent has falsified her job application and shouldn't have been working there as an RN because of the criminal charges for obtaining drugs by fraud.

10. Respondent's mental condition set out in paragraph 4, above and her conduct which reflects an impaired ability to safely or reliably perform duties, as set out in paragraph 9, above, is mental incapacity, as defined by Wis. Admin. Code § N 7.03(3), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

11. The public health, safety and welfare imperatively require emergency suspension of Respondent's license to practice nursing.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07.

2. The Wisconsin Board of Nursing has authority to summarily suspend a license to practice nursing pursuant to Wis. Stat. § 227.53(3), and Wis. Admin. Code § RL 6.

3. There is probable cause to believe that Respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license to practice nursing.

ORDER

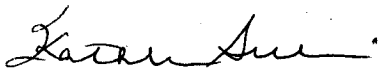
IT IS ORDERED that the license of Patti A. Seidlkaster, R.N., to practice nursing in the state of Wisconsin is summarily suspended, effective immediately upon Respondent receiving actual notice of this summary order or upon service of this summary suspension order upon Respondent under § RL 6.06(3), Wis. Admin. Code, whichever is sooner.

IT IS FURTHER ORDERED that this Order continues to be in effect until the effective date of a final order and decision in the pending disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of her right, pursuant to Wis. Admin. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Board of Nursing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Dated at Madison, Wisconsin this ⁴~~27~~ day of March, 2011.



Kathleen Sullivan, Chair
Board of Nursing