

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Before The  
State Of Wisconsin  
BOARD OF NURSING

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In the Matter of the Disciplinary Proceedings  
Against **MONIQUE R. BRADLEY, R.N.**,  
Respondent

**FINAL DECISION AND ORDER**

Order No. \_\_\_\_\_

**ORDER 0000970**

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Division of Enforcement Case Nos. 09 NUR 393, 10 NUR 223 and 10 NUR 243

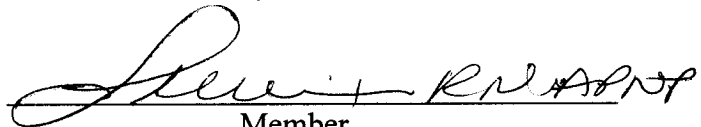
The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 21<sup>st</sup> day of July, 2011.



Member  
Board of Nursing



Before The  
State Of Wisconsin  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Disciplinary Proceedings  
Against **MONIQUE R. BRADLEY, R.N.**,  
Respondent

PROPOSED DECISION AND ORDER  
DHA Case No. DRL-10-0103

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Division of Enforcement Case Nos. 09 NUR 393, 10 NUR 223, 10 NUR 243

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Monique Bradley  
8921 West Courtland Avenue  
Milwaukee, WI 53225-4909

Wisconsin Board of Nursing  
P. O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing, Division of Enforcement, by

Attorney Arthur Thexton  
Department of Regulation  
Division of Enforcement  
P. O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

These proceedings were initiated when the Department of Regulation and Licensing, Division of Enforcement (the "Division") filed a formal Complaint against the Respondent, Monique Bradley. The Division filed said Complaint with the Division of Hearings and Appeals on December 28, 2010. On the same date, the Division sent a copy of the Complaint and a Notice of Hearing, via both certified and regular mail, to Respondent Bradley at her most recent address on file with the Department of Regulation and Licensing; 8921 West Courtland Avenue, Milwaukee, WI 53225-4909.

The undersigned administrative law judge (ALJ) thereafter scheduled a prehearing conference for January 26, 2011.<sup>1</sup> Notice of this prehearing conference was sent to both parties at the addresses noted above, with instructions that Respondent Bradley provide the telephone number at which she could be reached for the January 26, 2011, telephone conference to the undersigned administrative law judge no later than January 21, 2011.

Respondent Bradley provided her phone number to the undersigned ALJ on or about January 21, 2011.

However, upon receipt of an email from Division attorney Arthur Thexton on or about January 18, 2011, alerting the Division of Hearings and Appeals that there was future activity in the criminal case against Respondent Bradley in January and February, 2011, that that could have had an effect on her disciplinary case, the ALJ rescheduled the above prehearing conference for March 1, 2011.

Despite filing an Answer to the Division's Complaint on or about February 22, 2011, Respondent Bradley could not be reached at the telephone number she provided to the undersigned administrative law judge for the March 1, 2011 prehearing conference.<sup>2</sup> The undersigned ALJ thus scheduled a continued prehearing conference for March 10, 2011, notice of which was sent to Respondent Bradley at her most recent address on file with the Department of Regulation and Licensing.

Respondent Bradley again could not be reached for the March 10, 2011, prehearing conference.<sup>3</sup> The Division thus made a motion for default pursuant to Wis. Admin. Code § HA 1.07(3)(c).

In light of Respondent Bradley's failure to free her telephone line for two consecutive phone conferences, (or in the alternative, provide a different phone number at which she could be reached), the undersigned ALJ granted the Division's motion for default, (March 10, 2011), and issued a Notice of Default instructing Respondent Bradley that she was in default, and that findings would be made and an Order entered on the basis of the Complaint and other evidence. The Notice of Default further ordered the Division to provide the undersigned ALJ with the Division's written recommendations for discipline and the assessment of costs in this matter by April 8, 2011. It was mailed to Respondent Bradley at the last address on record for her, 8921 West Courtland Avenue, Milwaukee, WI 53225-4909. The Division provided the undersigned ALJ with the Division's written recommendations as to discipline and costs on or about April 8, 2011.

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<sup>1</sup> The March 10, 2011 Notice of Default mistakenly identifies the date of this prehearing conference as January 21, 2011.

<sup>2</sup> The undersigned administrative law judge tried calling Respondent Bradley at the phone number she provided three times between 9:30 a.m. and 9:40 a.m. Each time, the line was busy.

<sup>3</sup> The undersigned administrative law judge attempted calling Respondent Bradley at the phone number she provided twice at 11:00 a.m., and once more at 11:15 a.m. Each time, the line was again busy.

Respondent Bradley has failed to respond to either the Notice of Default issued against her, or the written recommendations provided by the Division on April 8, 2011.

### **FINDINGS OF FACT**

On the evidence presented, the undersigned ALJ makes the following findings of fact:

1. Monique Renee Bradley (dob: 7/11/77) is and was at all times relevant to the facts put forth herein a professional nurse licensed in the state of Wisconsin pursuant to license #154871. This license was first granted 7/16/07. Respondent's address of record is 8921 W. Courtland Ave., Milwaukee, WI 53225-4909.

### **COUNT I [09 NUR 393]**

2. In September, October, and November, 2009, and while employed as a supervising professional nurse at the Virginia Tech Health & Rehabilitation Center, Waukesha, Wisconsin, Respondent on multiple occasions requested that the pharmacy deliver supplies of a schedule II controlled substance, oxycodone (in the form of pharmaceutical products containing oxycodone), for residents of the facility, who had orders for the medication but seldom used it.

3. Respondent received the medication personally from the pharmacy delivery staff, but then failed to document the receipt of the medication from the pharmacy, or the administration of the medication to the residents, and the medication could not subsequently be found.

4. Following a full audit of the facility's documentation, some 1500 dosage units of controlled substances were found to have been ordered and received by Respondent, but not properly documented by Respondent as being placed into residents' supplies, administered to residents, or otherwise disposed of.

5. The residents; the Wisconsin Medical Assistance program, or Medicare, were charged for the medication.

6. In fact, Respondent retained the medications which were ordered from the pharmacy together with the documentation that it was received, without authority or permission, and with intent to permanently deprive the owners of possession of the medications.

7. On 7 occasions in September and October, 2009, Respondent documented that she opened the "contingency kit" of the facility and withdrew oxycodone products (all of which are Schedule II controlled substances), purportedly at the request of the licensed practical nurses assigned to resident care, and for pain for specific residents; she failed to document any change of condition of the residents which would justify administration of these medications to the residents.

8. In fact, Respondent took and carried away the medications from the contingency kit, without authority or permission, and with intent to permanently deprive the owner, The Virginia Health & Rehabilitation Center, of possession of the medications.

### COUNT II [10 NUR 223]

9. During the period of time from December, 2009 – May, 2010, and while employed as a part-time supervisory professional nurse at the Highland Heights Healthcare Center, Milwaukee, WI, Respondent ordered and received schedule II opiod pain medications from the pharmacy on multiple occasions as follows:

- a) Oxycodone 5 mg for Resident M.W., who had been discharged to a hospital on 12/2/09 and did not return:
  - #30<sup>4</sup>, delivered on 12/8/09
  - #60, delivered on 12/13/09
  - #60, delivered on 12/18/09
  - #30, delivered on 12/22/09
  - #60, delivered on 12/26/09
  - #60, delivered on 1/9/10
  
- b) Oxycodone 5 mg for Resident N.E., who died in a hospital on 1/10/20:
  - #60, delivered on 1/14/10
  - #60, delivered on 1/20/10
  - #60, delivered on 1/24/10
  
- c) Oxycodone 5 mg for Resident K.L., who was discharged to home on 2/18/10:
  - #60, delivered on 2/20/10
  - #60, delivered on 3/6/10
  - #60, delivered on 3/12/10
  - #60, delivered on 3/20/10
  - #60, delivered on 3/26/10
  - #60, delivered on 3/30/10
  
- d) Oxycodone 5 mg for Resident S.C., who was discharged to a hospital on 4/4/10, and then died in the hospital on 4/11/10
  - #30, delivered on 4/9/10
  - #60, delivered on 4/14/10
  - #60, delivered on 4/22/10
  - # 60, delivered on 5/7/10
  - # 30, delivered on 5/11/10

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<sup>4</sup> Though not specified, it is apparent that this number refers to the number of oxycodone tablets.

10. Respondent did not document receipt or disposition of these medications in any manner, nor could the medications subsequently be found on the premises of the facility.

11. In fact, Respondent took the medications described in Count II, above, together with the documentation of their delivery, without authority or permission, and with intent to permanently deprive the lawful owners of the medication of the possession of the medication.

### **COUNT III [10 NUR 243]**

12. On or about Saturday, May 15, 2010, and while employed as a part-time supervisory professional nurse at the Highland Heights Healthcare Center, Milwaukee, Wisconsin, Respondent made two entries in the patient health care record of resident R.B., to the effect that the resident's medication had changed to discontinue an oxycodone product, and to start a hydrocodone product. The hydrocodone product was administered to the resident in place of the oxycodone product, by staff of the facility, in reliance upon the entry in the record made by Respondent.

13. In fact, no such change had been authorized by the resident's physician or other person with authority to do so. Respondent did not have the authority to make this change by herself.

14. The pharmacy had, shortly before Respondent's chart entry, delivered a supply of the oxycodone product in the form of a "bubble pack" containing 30 pills of oxycodone 5 mg, a Schedule II controlled substance.

15. Respondent took the "bubble pack" of oxycodone product, and the documentation of its delivery, without any authority or permission, and with intent to permanently deprive the resident of the medication. The medication was paid for by the Wisconsin Medical Assistance Program.

### **COUNT IV [10 NUR 243]**

16. On or about Saturday, May 15, 2009<sup>5</sup>, and while employed as a part-time supervisory professional nurse at the Highland Heights Healthcare Center, Milwaukee, Wisconsin, Respondent made an entry in the patient health care record of patient P.P. to the effect that the physician's order for oxycodone 15 mg was discontinued. In fact, no such change was authorized by the resident's physician or any other person with authority to do so. Respondent did not have the authority to make this change by herself.

17. Respondent took and carried away a "bubble pack" of some 29 tablets, each containing oxycodone 15 mg, a Schedule II controlled substance, the property of resident P.P.,

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<sup>5</sup> The ALJ believes that the date of this occurrence was actually Saturday, May 15, 2010. (See ¶ 12, above).

without consent and with intent to permanently deprive P.P. of the medication, which had been ordered for P.P. by P.P.'s physician.

#### COUNT V

18. During the investigation of this matter, Respondent admitted to the Board [of Nursing] investigative staff that on or about June 13, 2010, she consumed marijuana, a Schedule I controlled substance, without a medical purpose or authorization.

#### COUNT VI

19. Following all of the above-described events, and following having been interviewed at length by Board staff and being fully aware of the pending investigations, on or before December 13, 2010, and while employed by Jewish Home and Care Center, a skilled nursing facility in Milwaukee, Wisconsin, Respondent took and carried away a prescription order issued for resident H.B., from the resident's chart, without consent or authority, and with intent to permanently deprive the owner, Respondent's employer, of the prescription order document. The prescription order was for an oxycodone product, a Schedule II controlled substance.

20. In fact, the order had been filled, and the resident was receiving the medication; the document was retained in the resident's chart as a record that medication had been prescribed, as required by federal regulations.

21. On or about December 13, 2010, Respondent presented the prescription order described above to the K-Mart Pharmacy, Greenfield, Wisconsin, for the purpose of having the prescription filled and dispensed to her.

22. By her actions, Respondent was, directly or indirectly, representing to the pharmacy that she was an agent of the patient. In fact, Respondent had no authority to have the prescription filled or to receive the medication ordered.

23. Before presenting the prescription order to the pharmacist, Respondent altered it to read "Percocet 10/325mg" when in fact the prescriber had written "Percocet 5/325." At the time she presented the prescription order to the pharmacist, Respondent falsely identified herself as "Monique Johnson."

24. Percocet® is a brand name for a product containing oxycodone and 325 mg of acetaminophen. The effect of the attempted alteration would have been to double the amount of oxycodone in each pill.

25. When police were called, Respondent falsely identified herself to the police as "Monique Johnson," falsely stated that she had no identification upon her person, and gave a false address. She further falsely stated to police that she was there to fill a prescription for her



step-mother “Angel.” She then falsely stated that H.B. was her stepfather, when, in fact, she has no family relationship with H.B. in any respect, and falsely stated that H.B. had requested that she fill the prescription for him, when he did not. Prescriptions for residents of the nursing home are filled by faxing them to the nursing home’s own pharmacy, Roeschen’s OmniCare Pharmacy, which then delivers them.

26. As set out in the Procedural History above, despite filing an Answer to the Division’s Complaint on or about February 22, 2011, Respondent Bradley could not be reached at the telephone number she provided to the undersigned administrative law judge for the March 1, 2011 prehearing conference. The undersigned ALJ thus scheduled a continued prehearing conference for March 10, 2011, notice of which was sent to Respondent at her most recent address on file with the Department of Regulation and Licensing, 8921 West Courtland Avenue, Milwaukee, WI 53225-4909.

27. Respondent Bradley again could not be reached for the March 10, 2011 prehearing conference, and the Division made a motion for default which was summarily accepted by the undersigned ALJ.

28. On or about this same date, (March 10, 2011), the undersigned ALJ sent a Notice of Default to Respondent at her above-referenced address.

29. Respondent Bradley has not responded to this Notice.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. §§ 441.07 and 441.50(3)(b).

2. Wis. Stat. § 440.03(1) provides that the department [of Regulation and Licensing] may promulgate rules defining uniform procedures to be used by the department... and all examining boards and affiliated credentialing boards attached to the department or an examining board, for... conducting [disciplinary] hearings. These rules are codified in Wis. Admin. Code ch. RL.

3. Wisconsin Administrative Code § RL 2.08(1) provides in relevant part that “[t]he complaint, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent” and that “[s]ervice by mail is complete upon mailing.” Because the Complaint and Notice of Hearing, Notice of Telephone Prehearing Conferences, and Notice of Default were mailed to Respondent Bradley at her last known address, she was duly served with these papers pursuant to Wis. Admin. Code § RL 2.08.

4. As the licensee, it was Respondent Bradley's responsibility to keep her address on record with the Department of Regulation and Licensing current. Wis. Stat. § 440.11(1).

5. Wis. Admin. Code § HA 1.07(3)(c) further provides that "the administrative law judge may find a failure to appear grounds for default if any of the following conditions exist for more than ten minutes after the scheduled time for the hearing or prehearing conference: ...(3) the failure to free the [telephone] line for the proceeding...."

6. Respondent Bradley has defaulted in this proceeding pursuant Wis. Admin. Code § HA 1.07(3)(c) by failing to free her telephone line for two consecutive telephone conferences, (or in the alternative, provide a different telephone number to the ALJ at which she could be reached).

7. When a respondent is in default, "the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." Wis. Admin. Code § RL 2.14. *See also*, Wis. Admin. Code § HA 1.07(3) ("If a respondent fails to appear, the administrative law judge may take the allegations in an appeal as true as may be appropriate.").

8. Pursuant to Wis. Stat. § 441.07(1)(d), the Board of Nursing has authority to "revoke, limit, suspend or deny renewal of a license of a registered nurse" if the board finds that the registered nurse has engaged in "misconduct or unprofessional conduct."

9. Pursuant to Wis. Stat. § 943.20(1)(a) **Theft**: "Whoever does any of the following may be penalized as provided in sub. (3): Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property."

10. Wis. Admin. Code § N 704 defines "misconduct or unprofessional conduct" as "any practice or behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public."

11. Wis. Admin. Code § N 704(1) further defines "misconduct or unprofessional conduct" to include: "Violating, or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing."

12. Wis. Admin. Code § N 704(2) further defines "misconduct or unprofessional conduct" to include: "Administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law."

13. Wis. Admin. Code § N 704(15) further defines "misconduct or unprofessional conduct" to include: "Violating any rule of the board [of Nursing]."

14. Respondent Bradley's conduct, as described in Counts I, II and V of the Findings of Fact above, violated Wis. Stat. § 943.20(1)(a) and Wis. Admin. Code §§ N 704(1), N 704(2) and N 704(15). As such, she is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

15. Wis. Admin. Code § N 704(6) further defines "misconduct or unprofessional conduct" to include: "Falsifying or inappropriately altering patient records."

16. Respondent Bradley's conduct, as described in Counts III and IV of the Findings of Fact above, violated Wis. Stat. § 943.20(1)(a) and Wis. Admin. Code §§ N 704(1), N 704(2), N 704(6), and N 704(15). As such, she is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

17. Pursuant to Wis. Stat. § 450.11(7)(a): "No person may obtain or attempt to obtain a prescription drug, or procure or attempt to procure the administration of a prescription drug, by fraud, deceit or willful misrepresentation or by forgery or alteration of a prescription order; or by willful concealment of a material fact; or by use of a false name or address."

18. Pursuant to Wis. Stat. § 943.20(1)(b), **Theft**: "Whoever does any of the following may be penalized as provided in sub. (3): By virtue of his or her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her own use or to the use of any other person except the owner."

19. Pursuant to Wis. Stat. § 943.38(1): "Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of a Class H felony."

20. Pursuant to Wis. Stat. § 943.38(2), **Forgery**: "Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, is guilty of a Class H felony."

21. Pursuant to Wis. Stat. § 946.41(1), **Resisting or obstructing an officer**: "... Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority is guilty of a Class A misdemeanor."

22. Pursuant to Wis. Stat. § 961.43(1)(a)<sup>6</sup>: "It is unlawful for any person... [t]o acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge."

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<sup>6</sup> Any person who violates this section is guilty of a Class H felony.

23. Pursuant to Wis. Stat. § 939.32(1), **Attempt:** “Whoever attempts to commit a felony or a crime specified in s. 940.19, 940.195, 943.20, or 943.74 may be fined or imprisoned or both as provided under sub. (1g).

24. Respondent Bradley’s conduct, as described in Count VI of the Findings of Fact, above, violated Wis. Stats. §§ 450.11(7)(a), 943.20(1)(a) and (b), 943.38(1) and (2), 946.41(1), 961.43(1)(a) (under 939.32(1)), and Wis. Admin. Code §§ N 704(1), N 704(2), N 704(6), and N 704(15). As such, she is subject to discipline pursuant to 441.07(1)(d).

## **DISCUSSION**

### **Violations of Wisconsin Statute and Administrative Code**

By failing to clear her line for two consecutive telephone prehearings, Respondent Bradley defaulted in these proceedings, and thus admitted that all allegations contained within the Complaint are true. (See Wis. Admin. Code §§ HA 1.07(3)(c) and RL 2.14, as discussed above). As such, it is undisputed that Respondent Bradley: (1) stole a significant amount of narcotic medications (oxycodone) from numerous places of employment, and patients<sup>7</sup>; (2) did so by means of (a) ordering oxycodone for patients who seldom used it, who had been discharged, or who were dead, (b) taking it from the contingency kit to give to non-existent patients, and (c) altering patient medical records to reflect that patients were no longer to receive the oxycodone ordered for them when this was not the case; (3) admittedly used marijuana during the board’s investigation of her above actions; (4) while this investigation was pending, stole and attempted to fraudulently fill one of her patient’s prescriptions for herself. Such conduct clearly violates Wis. Admin. Code §§ N 7.04, N 7.04(1), and N.7.04(2), N. 7.04(6), and N. 7.04(15), which include as misconduct: (1) the “[a]dministering, supplying or obtaining [of] any drug other than in the course of legitimate practice or as otherwise prohibited by law;” (2) the “[f]alsifying or inappropriately altering [of] patient records;” and (3) “[v]iolating... any law substantially related to the practice of professional or practical nursing.”<sup>8</sup> Respondent Bradley is thus subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). The only question that remains is what kind of discipline is appropriate.

### **Appropriate Discipline**

As discipline for her above violations, the Division requests that Respondent Bradley’s license be revoked. In support of this recommendation, it argues that:

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<sup>7</sup> It is not clear whether Respondent theft of these narcotics was for personal use, or for sale.

<sup>8</sup> Although the Division failed to provide any argument that Respondent’s theft of narcotics is substantially related to the practice of nursing, it is quite clear that it is.

Revocation of Respondent's license to practice nursing is necessary due to the continuity and severity of Respondent's practice violations; the Board of Nursing simply cannot assure the public that Respondent is equipped to safely and reliably care for a patient.

(Division's April 8, 2011, Motion For Discipline and Costs).

The Division further asks that, due to the severity of Respondent's conduct, "any future decision of the Board of Nursing concerning whether to reinstate Respondent's license shall address, among other factors, whether Respondent has presented proof that she is physically and psychologically fit to practice nursing and in what settings. (*Id.*).

Under the circumstances of this case, the undersigned ALJ believes the discipline recommended by the Division is appropriate.

Indeed, two of the three purposes of discipline are (1) to promote the rehabilitation of the licensee, and (2) to protect the public from other instances of misconduct. *State v. Aldrich*, 71 Wis. 2d 206 (1976).<sup>9</sup> Respondent Bradley's conduct in diverting numerous narcotics from numerous patients shows that she is very much a danger to the public she serves. Her actions in continuing to engage in this behavior while under investigation by the Board, and failing to be a part of these proceedings strengthens this concern, and further demonstrates that she is not yet rehabilitated. Thus, the discipline requested by the Division is not only appropriate, but is necessary to protect the public. While Respondent Bradley will by law be able to reapply for licensure after one year's time, the severity of her violations warrants consideration of her fitness to practice at that time.

### Costs

The Division requests that Respondent Bradley be ordered to pay the full costs of its investigation and of these proceedings.

In *In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz* (LS 0802183 CHI), the Chiropractic Examining Board found that:

The ALJ's recommendation and the ... Board's decision as to whether the full costs of the proceeding should be assessed against the credential holder..., is based on the consideration of several factors, including:

- 1) The number of counts charged, contested, and proven;
- 2) The nature and seriousness of the misconduct;
- 3) The level of discipline sought by the parties
- 4) The respondents cooperation with the disciplinary process;

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<sup>9</sup> The third purpose of discipline is to deter other licensees from engaging in similar contact.

- 5) Prior discipline, if any;
- 6) The fact that the Department of Regulation and Licensing is a “program revenue” agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct;
- 7) Any other relevant circumstances.

The respondent, by nature of her being in default has not presented any evidence regarding any of the above factors that would mitigate the imposition of the full costs of this proceeding. To the contrary, her conduct is of a serious nature. The factual allegations were deemed admitted and proven and there is no argument to apportion any counts that were unproven (being none), or that certain factual findings were investigated and litigated that were unnecessary. Given the fact that the Department of Regulation and Licensing is a “program revenue,” agency, whose operating costs are funded by the revenue received for licensees, fairness here dictates imposing the costs of disciplining the respondent upon the respondent and not fellow members of the chiropractic profession who have not engaged in such conduct.”

For many of the same reasons as cited in the *Buenzli-Fritz* decision, Respondent Bradley should be assessed the full amount of recoverable costs. Her alleged conduct is of an extremely serious nature, she did not meaningfully participate in these proceedings, there is no argument that certain factual findings were investigated and litigated unnecessarily, and given the program revenue nature of the Department of Regulation and Licensing, fairness again dictates imposing the costs of disciplining Respondent Bradley on Respondent Bradley, and not fellow members of the nursing profession who have not engaged in such conduct. Payment of assessed costs will be necessary before the respondent’s license can be reinstated pursuant to Wis. Stat. § 441.07(2). If the Board assesses costs against the respondent, these amount of costs will be determined pursuant Wis. Admin. Code § RL 2.18.

### ORDER

For the reasons set forth above, IT IS ORDERED that the license of the Respondent Monique Renee Bradley to practice nursing in the State of Wisconsin be and is hereby **REVOKED**.

IT IS FURTHER ORDERED that Respondent Bradley’s privilege to practice in Wisconsin pursuant to the Multi-state Nurse Licensure Compact be and is hereby **REVOKED**.

Pursuant to Wis. Stat. 441.07(2), the board in its discretion may reinstate a revoked license no earlier than one year following revocation, upon receipt of an application for reinstatement. If and when Respondent Bradley applies for reinstatement, the board shall

consider whether Respondent has presented proof that she is physically and psychologically fit to practice nursing and in what settings .

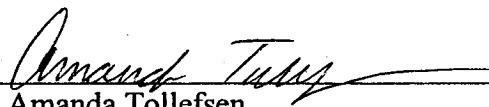
IT IS FURTHER ORDERED that Respondent Bradley shall pay all recoverable costs in this matter in an amount to be established pursuant to Wis. Admin. Code § RL 2.18. After the amount is established payment shall be made by certified check or money order payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
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IT IS FURTHER ORDERED that the above-captioned matter be and hereby is closed as to Respondent Monique Renee Bradley.

Dated at Madison, Wisconsin on May 19, 2011.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 264-9885

By:   
Amanda Tollefsen  
Administrative Law Judge