

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
THERESA A. NELSON, R.N., :  
RESPONDENT. : **ORDER 0000990**

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Division of Enforcement Case No. 11NUR023

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

Theresa A. Nelson, R.N.  
48 Emerald Drive  
Racine, WI 53406

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. Theresa A, Nelson, R.N., (DOB 11/06/1971) is duly licensed as a professional nurse in the State of Wisconsin (license No. 30-132652). This license was first granted on July 23, 1999.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 48 Emerald Drive, Racine, WI 53406.

3. During the events of this matter, Respondent was employed as an in-home professional nurse with ResCare HomeCare ("ResCare") in Woodstock, Illinois.

4. On December 6, 2010, Respondent began in-home care for 5-year-old Patient A. Respondent worked at Patient A's home Monday through Thursday from 8:00 a.m. to 4:00 p.m.

5. On December 28, 2010, Patient A's father reported to ResCare that he believed Respondent was taking items that belonged to Patient A from their home. Respondent's employment was suspended pending a police investigation.

6. On January 5, 2011, Respondent was interviewed by police and denied taking anything from Patient A's home. Respondent underwent a Computer Voice Stress Analysis ("CVSA"), which revealed deception in Respondent's answers during the interview. Upon being told of the results and the accuracy of the CVSA, Respondent admitted to taking children's books and clothing.

7. Respondent told police that she suffers from depression, she had been experiencing marital problems at home, and she had been diagnosed as bipolar. Respondent returned the stolen items and was issued a municipal complaint for Theft.

8. Respondent has been cooperative with this investigation and is in treatment for her psychiatric conditions.

#### 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 above constitutes a violation of Wisconsin Administrative Code §§ N 7.04(1) and (12), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

#### ORDER

IT IS ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Theresa A. Nelson, R.N., is REPRIMANDED.

2. For a period of at least two (2) years from the date of this Order, Respondent's license to practice nursing in the State of Wisconsin, and her privilege to

practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

Practice Restrictions

- a. 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.
- b. 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.
- c. 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.
- 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. 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.
- f. 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.

Treatment/therapy Requirements.

- g. Respondent shall continue in therapy with a therapist approved in advance by the Board. Respondent's current therapist, Kathleen Rothmeyer, is approved. Any change in therapist must be approved in advance by the Board or its designee.
- h. Respondent's therapist shall provide written reports on Respondent's treatment 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.
- i. Respondent shall continue in treatment for her psychiatric conditions by a psychiatrist approved in advance by the Board.

Respondent's current psychiatrist, Dr. Donald Jacobson, is approved. Any change in psychiatrist must be approved in advance by the Board or its designee.

- j. Respondent's psychiatrist, Dr. Donald Jacobson, shall provide written reports on Respondent's treatment 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.

3. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Any requests, petitions, reports, or payments 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, 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.

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

Board of Nursing

By: L. Ullrich, CRNP, APNP  
A Member of the Board