

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

FINAL DECISION AND ORDER

SHALONDA NICOLE MYLES, R.N., :
RESPONDENT. :

ORDER 0001321

Division of Enforcement Case #09 NUR 318

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

Shalonda Nicole Myles
3815 N. Brookfield Rd., Suite 104-149
Brookfield, WI 53045

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

Department of Safety and Professional Services
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on June 6, 2011. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Shalonda Nicole Myles, a/k/a Nikki Myles (dob: 6/3/76) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #142072. This license was first granted 8/2/02. She was formerly licensed as a practical nurse under license # 302557, granted on 5/24/00, and which expired on 4/30/03; this license is not eligible for renewal because it has been expired for more than five years.

2. Respondent represents to the Board that she has done no act constituting the practice of nursing, as defined in Wis. Stat. § 441.001 (3) or (4), between August 2, 2011, and the date she signed the attached Stipulation.

COUNT I

3. On 9/14/09, Respondent was convicted under her former name of Shalonda Booth, in the Circuit Court for Dane County, Wisconsin, of three counts of theft contrary to Wis. Stat. § 943.20(1)(b), and sentenced to pay a fine of \$500 on each count, together with costs.

4. The conviction grew out of Respondent's having filed four false claims with the Wisconsin Medical Assistance program, which claims stated that Respondent had provided nursing services for a patient who was eligible for nursing services under the Medical Assistance program, when, in fact, Respondent did not provide any services on the dates stated in the claims. Respondent paid restitution, before being sentenced, to the State of Wisconsin; in exchange for restitution being paid "up front" the State agreed not to recommend any incarceration.

5. The Board alleges that, in fact, there were at least 29 instances of false claims during the summer of 2008, all of which grew out of claims that she cared for the patient described in Count II, below. Respondent asserts that there were only four days of false claims. In view of this resolution, it is unnecessary to resolve this dispute.

COUNT II

6. On and between June 1 and August 31, 2007, Respondent provided private duty care to M.T., a vent-dependent patient, on a regular basis, and was case manager and responsible for supervising the care provided by practical nurses when she was not personally providing care.

7. Between June 1 and July 18, 2007, the patient's physician ordered baclofen, a muscle relaxant, to be administered to the patient at the rate of 20mg, three times per day, through the patient's gastronomy tube; the dosage was ordered decreased to 15mg, three times per day, effective July 18, 2007, through August 31, 2007. Respondent documented administering 30mg of baclofen, three times per day, between June 1 and August 31, 2007. Respondent represents to the Board that, in fact, her documentation is in error, and that she actually followed the physician's order to decrease the dosage.

8. During the period June 1-August 1, 2007, the physician ordered that the patient's tracheostomy tube be changed weekly, and additionally as needed. Respondent did not document that the tracheostomy tube was ever changed during this 92 day period. Respondent represents to the Board that in fact, she did change the tracheostomy tube as needed, but failed to document this fact.

9. During the period June 1-August 1, 2007, Respondent consistently failed to document the patient's vital signs, suctioning, and ventilator settings, and the times of Respondent's arrival and departure. Respondent's narrative charting was inadequate to allow other caregivers to determine the patient's status, when Respondent was not present. Respondent represents to the Board that, notwithstanding her failure to document, she did take the patient's vital signs, suction

as needed, and monitor the ventilator settings. Respondent further represents to the Board that as the case manager for the patient at this time, she regularly informed the practical nurses who also provided care to the patient, of her observations and cares given.

10. As a result of the deficiencies described in Count II, above, Respondent was required to repay \$23,577.72 to the Wisconsin Medical Assistance program, which had paid her for caring for the patient, which she did as part of the restitution described in Count I, above, before sentencing.

CONCLUSIONS OF LAW

A. The conduct described in Count I, above, constitutes unprofessional conduct as defined in Wis. Adm. Code § N 7.04(1), (13), and (15), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

B. The conduct described in Count II, above, constitutes unprofessional conduct as defined in Wis. Adm. Code § N 7.03(1)(b), (c), and (d), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The license of Shalonda Nicole Myles R.N., Respondent, to practice as a nurse in the State of Wisconsin is **SUSPENDED** for four months, effective November 26, 2011, and continuing until she successfully demonstrates completion of the following continuing education, offered by the Learning Extension of the National Council of State Boards of Nursing, or substantially equivalent courses which have been preapproved by the Board or its designee:

- a. Documentation: A Critical Aspect of Client Care; and
- b. Righting a Wrong: Ethics and Professionalism in Nursing.

2. The license of Shalonda Nicole Myles R.N., Respondent, to practice as a nurse in the State of Wisconsin is **LIMITED** as follows: Respondent shall not engage in any nursing employment where she is responsible for billing, or for self-reporting of her own hours. She shall work only in a setting where her hours are recorded by an automated system.

- a. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Respondent must obtain board approval prior to changing jobs.
- b. Respondent may not work in a home health care, pool nursing, or agency setting.
- c. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- d. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that

quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations, in its discretion.

- e. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Department Monitor

Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

Required Reporting by Respondent

Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent.

Every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Petitions for Modification of Limitations or Termination of Order

Respondent may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

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.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Wisconsin pursuant to a multistate licensure privilege without the written permission of the Wisconsin Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$4,200, within one year of this Order. If not paid, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until they are paid in full, including any accrued interest.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

January 26, 2012
Date

akt
h:\myles.stp.doc