

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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
PAMELA J. O'DONNELL, R.N.,	:	
	:	
RESPONDENT.	:	ORDER 0002243

Division of Legal Services and Compliance¹ Case No. 10 NUR 634

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

Pamela Jane O'Donnell, R.N.
6308 Southern Circle
Monona, WI 53716

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Pamela J. O'Donnell, R.N., (fka Pamela K. Schmelzer, R.N.,) (DOB 01/08/1956) is licensed as a professional nurse in the State of Wisconsin (license no. 77873-30). This license was first granted on October 17, 1980.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 6308 Southern Circle, Monona, WI 53716.

3. In 2010, the Department of Safety and Professional Services ("Department") received a complaint from Dr. X who hired Respondent as an attorney², but was also aware Respondent is a licensed professional nurse. Dr. X is licensed to practice medicine and surgery in the State of Wisconsin.

4. While working with Respondent, Dr. X alleged that Respondent exhibited symptoms of advanced substance abuse.

5. In response to an investigation by the Department, Respondent's physician reported that Respondent has had long term mental health diagnoses involving post-traumatic stress disorder, anxiety, and depression. Respondent has been taking prescribed narcotics for chronic pain.

6. In 2005, Respondent was charged in Dane County Case Number 2005CF001406. The case was dismissed via a deferred prosecution agreement on July 12, 2007 after Respondent's successful completion of a drug treatment program.

7. On May 1, 2008, the Wisconsin Board of Nursing issued an Order reprimanding Respondent for accessing a family member's medication without a legitimate nursing purpose.

8. On October 5, 2011, in Oneida County Case Number 2011TR002163, Respondent was convicted of operating while suspended (2nd). She was fined and failed to appear for her court date. The court issued a default judgment. A bench warrant was issued when Respondent initially failed to appear for her court date but the fine has since been paid in full.

9. On January 25, 2012 Respondent was charged in Walworth County Case Numbers 2012TR000452 and 2012TR000453 for operating while suspended and driving a nonregistered automobile. She was convicted of both charges following her plea of no contest on February 15, 2012.

10. In April 2012, Respondent resigned from employment at Mercy Health Systems in Janesville, Wisconsin. At the time of resignation, there were allegations that Respondent failed to complete daily basic patient cares, lacked basic nursing and patient skills, and failed to adhere to hospital policy resulting in significant concerns for patient safety.* Respondent submitted a copy of the letter which she wrote to the Human Resources at Mercy Hospital which are retained in the investigative file.

11. Respondent was employed from August 16, 2012 to November 6, 2012, at the Beloit Hospital Emergency Room in Beloit, Wisconsin. Respondent's employment was

² Respondent was licensed as an attorney in the State of Wisconsin; her license was suspended on July 11, 2011 for non-payment of license fees, lack of Continuing Legal Education and failure to cooperate with an investigation by the Office of Lawyer Regulation (OLR).

terminated due to performance problems and poor nursing practice. Respondent contends that that her discharge was because she fell asleep while on duty, after reading for several hours and while there were no patients in the emergency room.

12. Respondent was subsequently employed as a travel nurse and worked in the ICU at St. Vincent's Hospital in Sante Fe, New Mexico, where she was again terminated from employment due to concerns about her failure or inability to complete nursing and patient tasks. Respondent submitted a copy of the letter which she wrote to the Director of the ICU which is retained in the investigative file.

13. Respondent is uncertain as to why she has encountered difficulty in performing her nursing duties to the requisite standard of care. Respondent agrees to surrender her license until she has obtained sufficient evaluation, treatment or care to address any possible underlying medical incapacity and determines whether she is fit to return to practice.

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 pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER by Pamela J. O'Donnell, R.N., Respondent, of her professional nursing license in the State of Wisconsin is hereby accepted, effective immediately.
3. Respondent shall not petition the Board of Nursing for re-licensure for at least one (1) year from the date of this Order. After the one year period, Respondent may or may not be granted re-licensure, but may petition for re-licensure, under the following terms and conditions:
 - a) Respondent shall notify the Division of Legal Services and Compliance (Division) of the request and the Division shall have the opportunity to apprise the Board of the allegations and information contained in the investigative file.
 - b) Respondent shall meet all of the statutory and rule requirements for licensure in effect at the time of application.
 - c) In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00) which shall be paid over a period of five (5) years pursuant to Wis. Stat. § 440.22(2).

d) In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of clients and public. to wit:

i. Respondent shall, at her own expense, have undergone a comprehensive mental health evaluation with a full neuropsychological testing and assessment by a mental health care practitioner with experience in providing such evaluations.

ii. In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall, at her own expense, have undergone an assessment for substance abuse disorder, to include any recommendations for treatment.

iii. In the event that Respondent petitions the Board of Nursing for re-licensure, Respondent shall, at her own expense, have undergone a fitness-to-practice assessment which shall determine whether the Respondent can practice with reasonable skill and safety to clients and the patients.

iv. The practitioners performing the assessments shall not have treated Respondent and prior to the assessment being performed, must be approved by the Board or its designee, with an opportunity for the Division of Legal Services and Compliance to make its recommendation.

v. The Board in deciding whether to grant the petition shall consider and weigh the three objectives of professional discipline.

4. If the Board determines to grant Respondent's petition for re-licensure, Respondent's license shall be limited in a manner to address any concerns the Board has and to address any recommendations resulting from the assessment, which may include, but is not limited to:

a) Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

b) Additional professional education, including but not limited to completion of an approved nurse refresher course, or educational courses in any identified areas of deficiency.

c) Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional health care provider approved by the Board, with periodic reports to the Board by the supervisor.

d) Participation in a board approved drug and alcohol (AODA) treatment program if recommended by an AODA assessment.

e) Completion of drug and alcohol testing prior to reinstatement at a frequency and for a time period designated by the board in its discretion.

5. If Respondent believes that any denial of licensure or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is

arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. Proof of successful course completion, quarterly reports, evaluation and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN BOARD OF NURSING

By: Julia Nelson
A Member of the Board

Date 1/10/13