

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BRANDI J. MALCOOK, L.P.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0002382.

Division of Legal Services and Compliance¹ Case No. 12 NUR 416

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

Brandi J. Malcook, L.P.N.
N2721 Highway GG
Brodhead, WI 53520

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 Wisconsin 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. Respondent Brandi J. Malcook, L.P.N., (dob January 23, 1978) is licensed in the State of Wisconsin as a practical nurse, having license number 311391-31, first issued on June 17, 2009 and current through April 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N2721 Highway GG, Brodhead, Wisconsin 53520.

2. In June 2012, Respondent's former employer received four complaints alleging that Respondent violated HIPAA regulations by accessing medical records for Patients A, B, C,

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

and D without authorization. An investigation conducted by Respondent's former employer determined that the violations did occur between November 10, 2010 and June 29, 2011, while Respondent was working at employer's clinic in Stoughton, Wisconsin.

3. In a response letter written to a Department investigator dated October 10, 2012, Respondent admitted to accessing medical records for Patients A, B, C, and D without authorization.

4. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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).

2. By the conduct described in the Findings of Fact, Brandi J. Malcook, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1).

3. As a result of the above conduct, Brandi J. Malcook, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Brandi J. Malcook, L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Respondent Brandi J. Malcook, L.P.N., (license number 311391-31) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Brandi J. Malcook, L.P.N., shall, within 90 days of the date of this Order, successfully complete two (2) hours of education on the topic of nursing ethics and professionalism, two (2) hours of education on the topic of HIPAA (Health Insurance Portability and Accounting Act), two (2) hours of education on the topic of professional accountability, and four (4) hours on the topic of boundaries offered by a provider pre-approved by the Board of Nursing's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Brandi J. Malcook, L.P.N., shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- c. For a period of at least one (1) year while working at least half-time as a nurse, Respondent shall work only under direct supervision.
- d. For a period of at least one (1) year while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of her employment and evaluating her work performance.
- e. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
- f. 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.

4. Within 120 days from the date of this Order, Brandi J. Malcook, L.P.N., shall pay COSTS of this matter in the amount of \$400.00.

5. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

6. 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 Respondent fails to timely submit payment of the costs as ordered, fails to submit work reports or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 311391-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs, submit proof of completion of the education and all other terms of this order.

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN
A Member of the Board

4/11/13
Date