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Before The  
State Of Wisconsin  
BOARD OF NURSING

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In the Matter of the Disciplinary Proceedings  
Against **CARRIE PIETRASIK-DEWEY, R.N.**,  
Respondent

FINAL DECISION AND ORDER

Order No. 0003362

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Division of Legal Services and Compliance Case No. 14 NUR 117

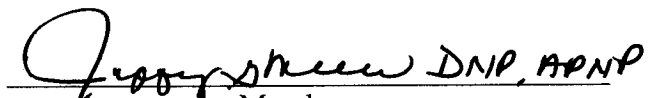
The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

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 12<sup>th</sup> day of March, 2015.

  
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 **CARRIE PIETRASIK-DEWEY, R.N.**,  
Respondent

PROPOSED DECISION AND ORDER  
DHA Case No. SPS-14-0071

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**Division of Legal Services and Compliance Case No. 14 NUR 117**

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

Carrie Pietrasik-Dewey, R.N.  
5490 West Beloit Road, #4  
Milwaukee, WI 53217

and

Carrie Pietrasik-Dewey, R.N.  
5436 W. Sheena Drive  
Glendale, Arizona 85306

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by

Attorney Kim M. Kluck  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P. O. Box 7190  
Madison, WI 53707-7190

**PROCEDURAL HISTORY**

These proceedings were initiated when the Department of Safety and Professional Services, Division of Legal Services and Compliance (Division), filed a formal Complaint against Respondent Carrie Pietrasik-Dewey, R.N., alleging that Respondent had disciplinary action through final board adjudication taken against her license to practice nursing in another

jurisdiction, in violation of Wis. Admin. Code § N 7.04(7).<sup>1</sup> The Division served Respondent on September 12, 2014 by sending a copy of the Notice of Hearing and Complaint to her last known addresses on file with the Department in Arizona and Wisconsin. Respondent failed to file an Answer to the Complaint, as required by Wis. Admin. Code § SPS 2.09.

On October 14, 2014, the Administrative Law Judge (ALJ) held a telephone prehearing conference in which Respondent failed to appear and participate. The Division's attorney moved for default judgment based on Respondent's failure to appear at the conference and failure to file an Answer to the Complaint as required by Wis. Admin. Code § SPS 2.09. The ALJ granted the motion for default.

Following the October 14, 2014 prehearing conference, the October 2, 2014 Notice of Telephone Prehearing Conference which had been sent by the ALJ to Respondent was returned as undeliverable by the U.S. Postal Service. The Division of Hearings and Appeals (DHA) contacted the Division, which provided a second address in Arizona for Respondent. The ALJ vacated the order of default and a Notice of Additional Telephone Prehearing Conference, setting an additional prehearing conference for October 29, 2014, was sent to Respondent at the second Arizona address.

Respondent subsequently failed to appear at the additional prehearing telephonic conference held before the ALJ on October 29, 2014. The Division renewed its earlier motion for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c), respectively. In light of Respondent's failure to file an Answer to the Complaint and failure to make herself available for the October 29, 2014 prehearing conference, the undersigned ALJ found Respondent to be in default. On October 29, 2014, the undersigned ALJ issued a Notice of Default against Respondent and ordered that the Division file a recommended proposed decision and order by November 13, 2014. On November 11, 2014, the Division filed its submission. No response was filed by Respondent.

## **FINDINGS OF FACT**

### **Facts Related to the Alleged Violation**

Findings of Fact 1-5 are taken from the Division's Complaint against Respondent filed in this matter.

1. Respondent Carrie Pietrasik-Dewey, R.N. (D.O.B June 19, 1962), is licensed in the State of Wisconsin as a professional nurse, having license number 121470-30, first issued on November 20, 1995 and current through February 29, 2016.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5490 W. Beloit Road, #4, Milwaukee, Wisconsin

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<sup>1</sup> All references to Wis. Admin. Code § N 7.04 refer to the code as it existed at the time of the conduct alleged, before amendments to the provision, effective August 1, 2014.

53217. On information and belief, Respondent's current address is 5436 W. Sheena Drive, Glendale, Arizona 85306.<sup>2</sup>

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at several facilities located in Arizona.

4. On May 16, 2014, the Arizona State Board of Nursing (Arizona Board) issued a Final Order (Final Order) imposing discipline against Respondent's privilege to practice in Arizona based on her Wisconsin multistate compact license. The Arizona Board revoked the Arizona registered nurse license number issued to Respondent. The discipline was based on the following conduct by Respondent at four facilities in Arizona during the period of December 2010 through March of 2012:

- a. On or about December 18, 2010, while on duty as a professional nurse in the emergency department at a medical center in Yuma, Arizona, Respondent was observed to be falling asleep while having a conversation with another nurse.
- b. On or about June 21, 2011, while on duty at the medical center in Yuma, Respondent fell asleep. On that same date, Respondent submitted a urine sample for drug testing which was positive for marijuana and prescribed oxycodone. Respondent claimed that she had a medical marijuana card for her marijuana usage.
- c. Between July 12 and 24, 2011, while employed in an emergency room at a medical center in Cottonwood, Arizona, Respondent exhibited substandard nursing care which included an inability to prioritize her workload and charting issues which continued despite additional training.
- d. Between August 1 and September 6, 2011, while working in an emergency room at a medical center in Payson, Arizona, Respondent exhibited substandard nursing care which included failure to follow patient orders, failure to assess the needs of the department and her patients, and excessive and extended breaks even when the department was busy.
- e. Between October 19 and December 5, 2011, while working in an emergency room at a health center in Tuscon, Arizona, Respondent exhibited repeated unsafe nursing practices, including failure to carry out physicians' orders in a timely manner, incorrectly administering insulin, and failing to timely and appropriately discharge or transfer patients to make bed space available to waiting emergently ill or injured patients.
- f. On or about March 15, 2012, while working at an emergency room at a facility in Mesa, Arizona, Respondent engaged in sub-standard nursing

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<sup>2</sup> The Division of Hearings and Appeals has also attempted to send Respondent correspondence at other addresses it received, but was unsuccessful.

practices in basic nursing care, failed to apply a cardiac monitor to a critically ill patient, and needed constant supervision.

- g. On or about March 19, 2012, Respondent falsely answered “no” to an employment application that asked if Respondent had ever been discharged from employment, when she was involuntarily terminated from previous employer in July 2011. Respondent also failed to disclose supplemental healthcare and falsely listed the reason for leaving employment.
- h. Between August 24, 2012 and May 14, 2013, while working as a professional nurse at a hospital in Phoenix, Arizona, Respondent exhibited a pattern of substandard nursing care, including submitting incomplete admission assessments on a repeated basis, refusing to complete admission assessment on in-patient units, failing to answer calls she received over the internal paging system and taking excessive/extended breaks.

### **Facts Related to Default**

5. The Complaint and Notice of Hearing in this matter were served on Respondent on September 12, 2014, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. The Notice of Hearing stated that Respondent was required to file an Answer to the Complaint within 20 days, and informed Respondent: “If you do not provide a proper Answer within twenty (20) days, you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence. In addition, the Board may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.”

6. Respondent failed to file an Answer as required by Wis. Admin. Code § SPS 2.09(4).

7. Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for October 14, 2014. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide the telephone number at which she could be reached for the conference to the ALJ no later than October 9, 2014.

8. Respondent failed to provide a telephone number and could not be reached for the prehearing conference.

9. The Division moved for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c). The ALJ granted the motion for default.

10. Following the October 14, 2014 conference, the October 2, 2014 Notice of Telephone Prehearing Conference which had been sent by the ALJ to Respondent was returned as undeliverable by the U.S. Postal Service. The Division of Hearings and Appeals (DHA) contacted the Division which provided a second address in Arizona for Respondent. The ALJ vacated the order of default and a Notice of Additional Telephone Prehearing Conference, setting the additional prehearing conference for October 29, 2014, was sent to Respondent at the second Arizona address.

11. Respondent subsequently failed to appear at the additional prehearing conference held before the ALJ on October 29, 2014. The Division renewed its earlier motion for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c), respectively. In light of Respondent's failure to file an Answer to the Complaint and failure to make herself available for the October 29, 2014 prehearing conference, the ALJ found Respondent to be in default.

12. On October 29, 2014, the ALJ issued a Notice of Default and Order which required the Division to serve no later than November 13, 2014 a recommended proposed decision and order.

13. The Division timely filed its recommended proposed decision and order. Respondent did not file a response.

## DISCUSSION AND CONCLUSIONS OF LAW

### Default

Wisconsin Admin. Code § SPS 2.14 provides: "If the respondent fails to answer as required by s. SPS 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." An Answer to a Complaint must be filed within 20 days of service of the Complaint. *See* Wis. Admin. Code § SPS 2.09(4). Service of the Complaint may be made by mailing a copy of the Complaint to the respondent at the respondent's last known address. *See* Wis. Stat. § 440.11(2); Wis. Admin. Code § SPS 2.08(1). "Service by mail is complete upon mailing." Wis. Admin. Code § SPS 2.08(1). Further, Wis. Admin. Code § HA 1.07(3) states, in relevant part:

#### (3) FAILURE TO APPEAR.

(b) If a Respondent fails to appear, the administrative law judge may . . . take the allegations in an appeal as true as may be appropriate. . .

(c) For a telephone or video hearing or prehearing 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 hearing or prehearing conference: (1) The failure to provide a telephone number to the division after it had been requested; (2) the failure to answer the telephone or video conference line . . . (4) the failure to be ready to proceed with the hearing or prehearing conference as scheduled.

On September 12, 2014, the Division duly served Respondent with the Complaint by mailing a copy of the Notice of Hearing and Complaint by both regular and certified mail to Respondent's most recent address on file with the Department. Pursuant to Wis. Admin. Code §§ SPS 2.08(1) and 2.09(4), Respondent was required to file an Answer within 20 days but failed to do so. Respondent also failed to appear at the telephone prehearing conference held on October 29, 2014 and failed to provide a telephone number at which she could be reached for the conference.

As stated in the October 29, 2014 Notice of Default and Order, Respondent is in default for failing to file an Answer to the Complaint, failing to appear at the prehearing conference held on October 29, 2014, and failing to provide a telephone number at which Respondent could be reached for the conference. Accordingly, an order may be entered against Respondent on the basis of the Complaint and other evidence. Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3)(b) and (c).

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

By the undisputed conduct described in paragraph #4 above, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(7) by having disciplinary action through final board adjudication taken against her license in another jurisdiction. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d) (2011-2012).

### **Appropriate Discipline**

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division recommends that Respondent's license to practice nursing be revoked. This recommended discipline is appropriate. Respondent's underlying conduct in Arizona involved possible impairment, illegal drug use and multiple instances of substandard nursing practices at multiple facilities. Respondent's practices were consistently below standards, despite additional training. Even more concerning is the fact that Respondent has begun to lie to potential employers about her reasons for departing prior jobs, concealing the incompetence which led to the terminations. With respect to the proceedings before this tribunal, Respondent has made no effort to maintain contact with the ALJ or the Department. Respondent's conduct indicates that, at this time, she is not a candidate for rehabilitation through further education, training or monitoring. Absent a willingness to do so, the only way to protect the public is through revocation of Respondent's license to practice nursing in the state of Wisconsin, including the privilege to work in Wisconsin under the Nursing Compact. This outcome is also supported by prior Board decisions.

For example, in the case, *In the Matter of Disciplinary Proceedings Against Nancy Volk, R.N.*, Order No. LS030651NUR (Aug. 12, 2003), a nurse, Nancy Volk, was found to have had disciplinary action taken against her license in another jurisdiction, Arizona. The Arizona Board revoked Volk's Arizona license based on her failure to comply with the conditions of license probation ordered as a result of a prior disciplinary action. Volk failed to file an Answer to the Complaint and failed to appear for a hearing in the Wisconsin matter. In imposing revocation, the Wisconsin Board noted that there was "nothing in the record to suggest that imposing any discipline short of revocation would protect the public, have a rehabilitative effect on the respondent, or deter other licensees from engaging in similar conduct." In the absence of any remorse, explanation or cooperation from Volk, revocation was deemed the only way to protect the public.



Based on the facts of record in the instant case, the disciplinary factors set forth in *Aldrich* and the Board's prior decision in *Volk*, revocation of Respondent's nursing license is warranted.

### Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. The Division requests that Respondent be ordered to pay the full costs of this investigation and of these proceedings. The factors to be considered in assessing costs are: (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 prosecutor; (4) the respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department 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; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz, D.C.*, Order No. LS0802183CHI (Aug. 14, 2008).

Based on the factors delineated in the *Buenzli-Fritz* decision and the facts of this case, Respondent is assessed the full amount of recoverable costs in this case.

Respondent has not presented any evidence regarding any of the above factors that would mitigate the imposition of the full costs of this proceeding. The factual allegations were deemed admitted and proven and there is no argument to apportion any counts that were unproven, or that certain factual findings were investigated and litigated unnecessarily. The underlying substandard nursing practices and revocation by the Arizona Board is serious. Incompetence such as Respondent's poses a risk of harm to patients. Moreover, given the fact that the Department is a program revenue agency whose operating costs are funded by the revenue received for licenses, fairness here dictates imposing the costs of disciplining Respondent upon Respondent and not on fellow members of the nursing profession who have not engaged in such conduct.

### PROPOSED ORDER

Accordingly, IT IS HEREBY ORDERED:

1. The license of Respondent Carrie Pietrasik-Dewey, R.N. (license no. 121470-30) to practice as a professional nurse in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact are REVOKED. Respondent may not petition for reinstatement of her professional nursing license pursuant to Wis. Stat. § 441.07(2) earlier than one year from the date of revocation.

2. Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

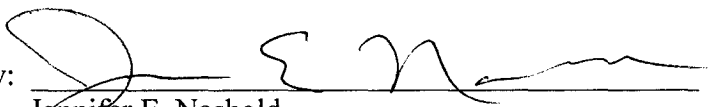
**Department Monitor  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190**

3. The terms of this Order are effective the date the Final Decision and Order is signed by the Board.

IT IS FURTHER ORDERED that the above-captioned matter is hereby closed as to Respondent Carrie Pietrasik-Dewey, R.N.

Dated at Madison, Wisconsin on this 30<sup>th</sup> day of December, 2014.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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Madison, Wisconsin 53705  
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By:   
Jennifer E. Nashold  
Administrative Law Judge