

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

MELISSA A. BLOECHL, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003899

Division of Legal Services and Compliance Case No. 13 NUR 537

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

Melissa A. Bloechl, R.N.
W10898 Enterprise Lake Drive
Elcho, WI 54428

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

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

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 Melissa A. Bloechl, R.N., (dob March 20, 1970) is licensed in the State of Wisconsin as a professional nurse, having license number 109361-30, first issued on March 20, 1992 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W10898 Enterprise Lake Drive, Elcho, Wisconsin 54428.

2. On August 14, 2013, the Langlade County District Attorney charged Respondent with one (1) count of theft – business setting over \$10,000, in violation of Wis. Stat. § 943.20(1)(b), two (2) counts of uttering a forgery, in violation of Wis. Stat. § 943.38(2), and

forty (40) counts of misconduct – office act – excess authority, in violation of Wis. Stat. § 946.12(2), in Langlade County case number 2013CF144, based on the following facts:

- a. Respondent was the Town of Elcho clerk and had access to the Town of Elcho checkbooks and debit card. The checking and debit accounts are to be used for town business only.
- b. On April 15, 2013, Respondent wrote a check from the Town of Elcho bank account for \$52,000.00. The check needed to have three signatures, one of which was Respondent's signature. The chairman and another member of the town board needed to sign all checks. They reviewed the signatures on the check for \$52,000.00 and stated the signatures were not theirs and were forged.
- c. Based on the fraudulent check above, the Town of Elcho chairman looked at the account history and discovered that on June 27, 2012, \$40,000.00 was deposited from the township checking account into the debit account. The check for \$40,000.00 contained three signatures; however, the Respondent's signature was the only correct signature. The other Board member signatures were forged.
- d. After June 27, 2012, there were over forty (40) debit card transactions from the town debit card issued to Respondent. These withdrawals occurred at casinos in Wisconsin, Michigan and Nevada. None of these withdrawals were for town business.

3. On November 26, 2014, Respondent was convicted of one (1) count of theft, in violation of Wis. Stat. 943.20(1)(b), two (2) counts of uttering by forgery, in violation of Wis. Stat. § 943.38(2), and six (6) counts of misconduct – office act – excess authority, in violation of Wis. Stat. § 946.12(2).

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, Melissa A. Bloechl, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1)¹ by violating, or aiding and abetting a violation of law substantially related to the practice of professional nursing. A certified copy of a judgment of conviction is prima facie evidence of a violation.

¹ All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

3. As a result of the above conduct, Melissa A. Bloechl, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d)².

ORDER

1. The attached Stipulation is accepted.
2. Respondent Melissa A. Bloechl, R.N., is REPRIMANDED.
3. Within 48 hours of her release from jail, Respondent must notify the Department Monitor of her release. Respondent must include her current address, phone number and any other contact information with her notification of release to the Department Monitor.
4. Within sixty (60) days of being released from jail, Respondent must be submitted to a mental health assessment specifically addressing her addiction issues (including but not limited to her gambling addiction) as follows:
 - a. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in evaluating addiction (including gambling addiction).
 - i. The provider performing the assessment must not have treated Respondent and shall have been approved by the Board, with the opportunity for the Division of Legal Services and Compliance to make its recommendation, prior to the evaluation being performed; and,
 - ii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below.
 - b. Respondent must provide proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner;
 - c. Respondent's license shall be limited in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific

² Wis. Stat. (2011-2012).

treatment goals, with periodic reports to the Board by the therapist.

- ii. Additional professional education in any identified areas of deficiency.
 - iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with quarterly reports to the Board by the supervisor.
- d. If Respondent believes that the Board's limitations imposed or maintained by the Board or its designee under paragraph 4iii is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's or designee's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.
- e. Respondent shall provide and keep on file with all Treater(s), all treatment facilities and personnel current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to: (a) obtain all patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities and personnel. Copies of these releases shall immediately be filed with the Department Monitor.
- f. Failure to comply with the assessment and terms above shall result in immediate suspension of Respondent's license to practice professional nursing.

3. For at least two (2) years from the date of this Order, while working at least half-time as a nurse, the license of Melissa A. Bloechl, R.N., (license number 109361-30), 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:

- a. Respondent shall work only in a work setting pre-approved by the Board. Respondent shall not work in a home health or assisted living position.
- b. 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.

- c. Respondent shall enroll and participate at least once a week in a gamblers anonymous (or substantial equivalent) program which is acceptable to the Board or the Board's designee. Attendance of the Respondent at such meetings shall be verified and reported quarterly to the Department Monitor.
- d. Respondent shall not work in any position in which billing is involved.
- 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. After two (2) years of working at least half-time as a nurse, 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. The professional nursing license issued to Melissa A. Bloechl, R.N., (license number 109361-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent 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 continuing 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.

5. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. 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.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,300.00.

7. Payment of 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. 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 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 proof of successful completion of the ordered education as set forth above, or fails to complete the addiction assessment and have the assessment submitted to the Department Monitor, Respondent's license (no. 109361-30) 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, submitted proof of successful completion of the ordered education, and completed the addiction/gambling assessment.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

4-9-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELISSA A. BLOECHL, R.N.,
RESPONDENT.

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STIPULATION

0003899

Division of Legal Services and Compliance Case No. 13 NUR 537

~~Respondent Melissa A. Bloechl, R.N., and the Division of Legal Services and Compliance,~~
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Wright C. Laufenberg.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Melissa A. Bloechl
Melissa A. Bloechl, R.N., Respondent
W10898 Enterprise Lake Drive
Elcho, WI 54428
License no. 109361-30

2-10-15
Date

Wright C. Laufenberg
Wright C. Laufenberg, Attorney for Respondent
Laufenberg Law Offices, LLC
805 E. First Street
Merrill, WI 54452

2-13-15
Date

Amanda L. Florek
Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/13/15
Date