

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :
 : ADMINISTRATIVE INJUNCTION
GRETCHEN STRAIT, :
RESPONDENT. : **ORDER 0004111.**

Division of Legal Services and Compliance Case No. 15 UNL 069

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

Gretchen Strait
12543 Grand Ezza Circle
Estero, FL 33928

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Gretchen Strait is not and has never been licensed as a professional or practical nurse in the State of Wisconsin.
2. Respondent's current address is 12543 Grand Ezza Circle, Estero, Florida 33928.
3. In 2013, Respondent was employed as a nurse supervisor by Specialty Nurse Services and engaged in the practice of nursing in the State of Wisconsin on the following dates:

- a. April 25;
- b. May 19-26;
- c. July 1-7;
- d. August 8-13;
- e. September 23-29;
- f. October 27-31;
- g. November 1-3;
- h. November 10-17; and
- i. December 18-24.

4. In 2014, Respondent was employed as a nurse supervisor by Specialty Nurse Services and engaged in the practice of nursing in the State of Wisconsin on the following dates:

- a. January 19-26;
- b. February 2-11;
- c. March 16-24;
- d. April 13-20;
- e. May 4-10; and
- f. June 1-7.

5. Respondent's job responsibilities included, but were not limited to, the following:

- a. Supervise all employees caring for clients;
- b. Direct the aides in proper care of clients;
- c. Evaluate all aides under your supervision;
- d. Coordinate and supervise other health care workers who provide services to clients;

- e. Develop health care plans with the Nurse Manager, carry out health care plans based on generally accepted practices and carry out all physician orders;
- f. Maintain contact with the Nurse Manager regarding client's health care plans as needed;
- g. Maintain health care chart for clients;
- h. Recommend changes to care plan to Nurse Manager and General Manager when needed;
- i. Contact medical doctors as needed concerning medical issues regarding clients and services; and,
- j. Contact other health care professionals as needed to ensure proper communication regarding all facets of client care.

6. On February 24, 2015, Respondent signed an email to Specialty Nurse Services staff using the "RN" designation.

7. " 'RN' means a registered nurse licensed under ch. 441." Wis. Admin. Code § N 6.02(11).

8. Wisconsin Stat. § 441.06(2), states that "a holder of the license is a 'registered nurse', may append 'R.N.' to his or her name and is authorized to practice professional nursing."

9. Wisconsin Stat. § 441.06(4), states that "no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section."

10. Respondent is licensed as a professional nurse in Florida and New York. These states are not Nurse Licensure Compact states; and therefore, Respondent cannot use her nursing license from these states to practice as a nurse in Wisconsin.

11. Respondent agrees that she will not practice nursing or hold herself out as a nurse in Wisconsin without a valid Wisconsin license.

12. Respondent agrees that as of the date of this Order, if Respondent engages in the practice of nursing in Wisconsin without a valid Wisconsin license, or holds herself out as a nurse in Wisconsin, this conduct is conclusive evidence that she is violating Wisconsin law, including but not limited to Wis. Stat. § 441.06(4).

CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).
2. The practice of professional nursing is defined, in Wis. Stat. § 441.001(4), as “the performance for compensation of any act in the observation or care of the ill, injured, or infirm, or for the maintenance of health or prevention of illness of others, that requires substantial nursing skill, knowledge, or training, or application of nursing principles based on biological, physical, and social sciences. Professional nursing includes any of the following:
 - a. The observation and recording of symptoms and reactions.
 - b. The execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447, or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, dentistry, or optometry in another state if the person making the order prepared the order after examining the patient in that other state and directs that the order be carried out in this state.
 - c. The execution of general nursing procedures and techniques.
 - d. Except as provided in s. 50.04(2)(b), the supervision of a patient and the supervision and direction of licensed practical nurses and less skilled assistants.
3. Pursuant to Wis. Stat. § 441.06(4), a license is required to engage in the practice of professional nursing.
4. The conduct described in the Findings of Fact above constitutes the unlicensed practice of nursing, contrary to Wis. Stat. § 441.06(4).


ORDER

1. The attached Stipulation is accepted.
2. Unless and until Respondent is properly licensed to practice nursing by the Department and the Wisconsin Board of Nursing, Respondent is enjoined and prohibited from the practice of nursing in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this Order for Administrative Injunction to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 19th day of June, 2015.

By: 

Michael J. Berndt, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION
INVOLVING

GRETCHEN STRAIT,
RESPONDENT.

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STIPULATION

ORDER 0004111

Division of Legal Services and Compliance Case No. 15 UNL 069

Respondent Gretchen Strait 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.

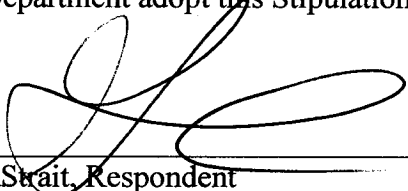
4. Respondent agrees to the adoption of the attached Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent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

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

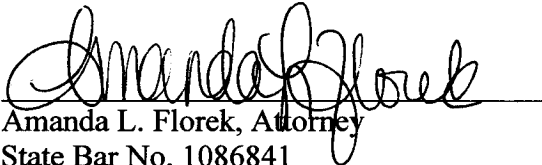
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.



Gretchen Strait, Respondent
12543 Grand Ezza Circle
Esterro, FL 33928

Date 6/15/15



Amanda L. Florek, Attorney
State Bar No. 1086841
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-2183
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Date 6/17/15