

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

CHERYL R. SOSALLA, L.P.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004286

Division of Legal Services and Compliance Case No. 15 NUR 242

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

Cheryl R. Sosalla, L.P.N.
W20944 Sosalla Hill Rd.
Whitehall, WI 54773

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 Cheryl R. Sosalla, L.P.N., (dob March 18, 1966) is licensed in the State of Wisconsin as a practical nurse, having license number 33618-31, first issued on May 3, 1996. This license expired on April 30, 2015, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent has the right to renew her license upon payment of fee until April 29, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W20944 Sosalla Hill Road, Whitehall, Wisconsin 54773.

2. At all times relevant to this proceeding, Respondent was employed as a practical nurse at a healthcare center (Center), located in Whitehall, Wisconsin.

3. The Center does not have a medication dispensing machine. Instead all medication is kept in a locked medication cart. Each resident's medication is kept in a "medication packet" which has the resident's name, name of medication, dose, description of the medication, time medication is to be administered, and the date the medication is to be administered.

4. When a nurse signs the electronic Medication Administration Record (eMAR) they are indicating that they dispensed (removed) the medication packet from the medication cart and administered the medication to the resident. The eMAR is not to be signed until the medication is dispensed and administered. The same nurse is required to dispense and administer the medication. The medication cart is to be locked between dispensing to residents.

5. On April 15, 2015, several residents reported to the night shift nurse, Nurse A, that they had not received their April 14, 2015 evening medication, or received the wrong medication.

6. Nurse A checked the medication cart for the medication and none of medications in question were still in the medication cart.

7. Nurse A discovered the following medication in their respective unopened packets in the garbage:

- a. Resident T.O.: Flomax® 0.4 mg; and mirtazapine 15 mg (in paper medication cup);
- b. Resident R.T.: cephalexin 500 mg; and oxybutynin 5 mg. Eye drops were found unattended on Resident R.T.'s night stand;
- c. Resident D.V.: Sinemet® 25/100 mg; and metoprolol 100 mg;
- d. Resident M. E.: tramadol 50 mg;
- e. Resident C.H.: lisinopril 20 mg; and
- f. Resident S.K.: Diflucan® 150 mg.

8. Respondent signed on the eMAR that she had dispensed and administered all of the above medications.

9. Respondent was the only nurse with access to the medication in the medication cart on the evening shift of April 14, 2015.

10. 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, Cheryl R. Sosalla, L.P.N., violated Wis. Admin. Code. § N 7.03¹(1)(b), by an act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.

3. By the conduct described in the Findings of Fact, Cheryl R. Sosalla, L.P.N., violated Wis. Admin. Code § N 7.03(1)(d), by failing to execute a medical order.

4. By the conduct described in the Findings of Fact, Cheryl R. Sosalla, L.P.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.04(6), by falsifying or inappropriately altering patient records.

5. As a result of the above violations, Cheryl R. Sosalla, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Cheryl R. Sosalla, L.P.N., is REPRIMANDED.
3. The practical nursing license issued to Cheryl R. Sosalla, L.P.N., (license number 33618-31) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are 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 in nursing practice; five (5) hours of education on the topic of documentation; six (6) hours of education on the topic of medication errors; and four (4) hours of education on patient rights 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.

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

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Pursuant to 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.

5. Within 120 days from the date of this Order, Cheryl R. Sosalla, L.P.N., shall pay COSTS of this matter in the amount of \$390.00.

6. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 33618-31) 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 and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

10-8-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHERYL R. SOSALLA, L.P.N.,
RESPONDENT.

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:
:

STIPULATION

0004286

Division of Legal Services and Compliance Case No. 15 NUR 242

Respondent Cheryl R. Sosalla, L.P.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.

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.

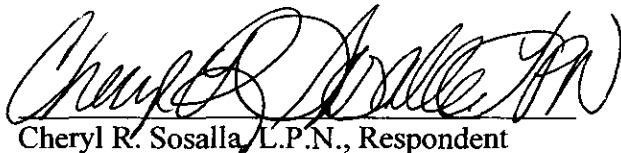
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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, 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.



Cheryl R. Sosalla, L.P.N., Respondent
W20944 Sosalla Hill Rd.
Whitehall, WI 54773
License no. 33618-31

8-16-2015
Date



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

8/20/15
Date