

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 :
: FINAL DECISION AND ORDER
RACHEL L. GUNDERSON, R.N., L.P.N., :
RESPONDENT. : **0004644**

Division of Legal Services and Compliance Case No. 15 NUR 480

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

Rachel L. Gunderson, R.N., L.P.N.
2727 Fleetwood Drive
Racine, WI 53403-3711

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 Rachel L. Gunderson, R.N., L.P.N., (dob November 19, 1979) is licensed in the State of Wisconsin as a professional nurse, having license number 169148-30, first issued on July 15, 2009 and current through February 28, 2018. Respondent is also licensed as a practical nurse, having license number 306341-31, first issued on September 1, 2005. This license expired on April 30, 2011 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2727 Fleetwood Drive, Racine, Wisconsin 53403-3711.

2. At all times relevant to this proceeding, Respondent was employed as a care manager at home health agency (Agency), located in Racine, Wisconsin.

3. Respondent's duties with the Agency included making home visits with Agency clients and documenting the visits.

4. During the period of November 2014 through July 2015, Respondent falsely documented approximately ten (10) home visits with Client A that did not occur.

5. The Agency terminated Respondent's employment after discovering that Respondent had not made the client visits and falsified records to claim that she had.

6. 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(5)(a), by falsifying or inappropriately altering reports, patient documentation, agency records, or other health documents.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Rachel L. Gunderson, R.N., L.P.N., is REPRIMANDED.

3. The professional and practical nursing licenses issued to Respondent Rachel L. Gunderson, R.N., L.P.N., (license numbers 169148-30 and 306341-31) 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, at her own expense, shall successfully complete six (6) hours of education on the topic of ethics and professionalism in nursing, two (2) hours on the topic of nurse practice acts and five (5) hours of education on the topic of documentation. Respondent is responsible for finding appropriate courses and submitting the course information to the Board or its designee for approval prior to taking the course and in sufficient time to obtain Board approval within the ninety (90) day time frame, taking into account the

Board's meeting schedule. Respondent shall provide proof of completion of the education to the Department Monitor.

- b. Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment.
- c. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work in a home health, assisted living, agency, pool or as a nurse in a correctional setting.
- d. For a period of at least two (2) years 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 Respondent's employment and evaluating her work performance.
- e. 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.
- 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.
- g. 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. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$550.00.

5. Request for approval of courses, proof of successful course completion, quarterly work reports 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

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 quarterly reports, fails to show this Order to employers, works in an unapproved setting, 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 licenses (nos. 169148-30 and 306341-31) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has submitted quarterly reports, shows this Order to employers, obtains approval of work settings, complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

4-14-16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RACHEL L. GUNDERSON, R.N., L.P.N.,
RESPONDENT.

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:
:
:
:

STIPULATION

0004644

Division of Legal Services and Compliance Case No. 15 NUR 480

Respondent Rachel L. Gunderson, R.N., 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.

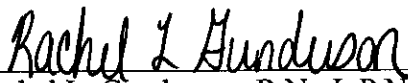
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

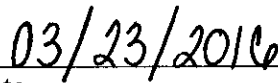
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

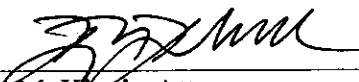
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

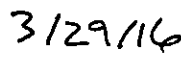
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Rachel L. Gunderson, R.N., L.P.N., Respondent
2727 Fleetwood Drive
Racine, WI 53403-3711
License nos. 169148-30 and 306341-31


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


Date