

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

FRANCISCA A. KADIA, R.N.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER

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:  
0004647

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Division of Legal Services and Compliance Case No. 15 NUR 571

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

Francisca A. Kadia, R.N.  
10501 W. Bradley Road  
Milwaukee, WI 53224

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 Francisca A. Kadia, R.N., (dob April 16, 1957) is licensed in the State of Wisconsin as a professional nurse, having license number 129143-30, first issued on March 30, 1998. The license expired on February 28, 2014, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10501 W. Bradley Road, Milwaukee, Wisconsin 53224.

2. From January 1, 2009 through March 31, 2009, Respondent provided private duty home nursing care to five (5) clients in Milwaukee County, Wisconsin. Respondent was

responsible for accurately tracking and submitting her claims for payment for these services to the State of Wisconsin Medicaid (Medicaid) program through a billing service.

3. During this period of time, Respondent submitted numerous claims for payment to Medicaid for private duty nursing services and requesting payment for nursing care provided to the clients when she had not performed the nursing services.

4. On October 8, 2015, Respondent entered a guilty plea to three counts of knowingly making or causing to be made any false statement or representation of a material fact in any application for a benefit or payment (forfeiture), in violation of Wis. Stat. § 49.49(4m)(a)<sup>1</sup>, and one count of knowingly and willfully making or causing to be made any false statement or representation of a material fact in any application for any benefit or payment (misdemeanor), in violation of Wis. Stat. § 49.49(1)(a)(1), in Milwaukee County case number 2015CF116. The charges were based on the following conduct:

- a. During the time period of January 1, 2009 through January 31, 2009, Respondent submitted claims for the five (5) clients for a total of 72 hours of work on each of the following dates: 1/1/09, 1/5/09, 1/7/09, 1/8/09, 1/12/09, 1/13/09, 1/14/09, 1/15/09, 1/19/09, 1/20/09, 1/21/09, 1/22/09, 1/26/09, 1/27/09, 1/28/09 and 1/29/09.
- b. During the time period of February 1, 2009 through February 28, 2009, Respondent submitted claims for the five (5) clients for a total of 72 hours of work on each of the following dates: 2/2/09, 2/3/09, 2/4/09, 2/5/09, 2/16/09, 2/17/09, 2/18/09, 2/19/09, 2/23/09, 2/24/09, 2/25/09 and 2/26/09.
- c. During the time period of March 1, 2009 through March 31, 2009, Respondent submitted claims for the five clients for a total of 72 hours of work on each of the following dates: 3/2/09, 3/3/09, 3/4/09, 3/5/09, 3/9/09, 3/10/09, 3/11/09, 3/12/09, 3/16/09, 3/17/09, 3/19/09, 3/23/09, 3/24/09, 3/25/09 and 3/26/09.

5. On October 8, 2015, Respondent was adjudicated guilty of all four (4) counts.

6. Respondent was sentenced to 30 days jail and one (1) year of probation. The conditions of probation included requirements that Respondent pay restitution in the amount of \$9,000.00, maintain employment of at least 30 hours per week, may not operate her own business, and pay court costs and supervision fees.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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<sup>1</sup> Wis. Stats. 2009-2010.

### 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 violated Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

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. The license of Francisca A. Kadia, R.N., (license number 129143-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** for 60 days from the date of this Order.

3. The license of Francisca A. Kadia, R.N., (license number 129143-30) ) 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 comply with the conditions of her probation imposed in Milwaukee County case number 2015CF116.

4. In the event Respondent decides to practice nursing in the State of Wisconsin, she shall notify the Board or its designee of her intentions and practice address at least ninety (90) days prior to commencing the practice of nursing in the State of Wisconsin. Upon Respondent's commencement of the practice of nursing in the State of Wisconsin, for at least two (2) years from the date of this Order, while working at least half-time as a nurse, the license of Francisca A. Kadia, R.N., (license number 129143-30) 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 provide her nursing employers with a copy of this Order before engaging in any nursing employment.

b. 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.

- c. 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 her employment and evaluating her work performance which must be satisfactory.
- d. 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.
- e. Respondent shall not engage in direct billing.
- 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.

5. Pursuant to Uniform 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.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$250.00.

7. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), submission of quarterly reports, and requests for pre-approval of work settings shall be sent by Respondent to the Department Monitor at the address below:

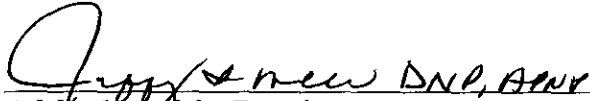
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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 comply with the conditions of her probation imposed in Milwaukee County case number 2015CF116, fails to have satisfactory quarterly reports filed, or fails to provide employers with a copy of this order as set forth above, Respondent's license (no. 129143-30) 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, complies with the conditions of her probation imposed in Milwaukee

County case number 2015CF116, has satisfactory quarterly reports filed, and provides employers with a copy of this order.

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

WISCONSIN BOARD OF NURSING

by:  new DNP, APRN  
A Member of the Board

4-14-16  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

FRANCISCA A. KADIA, R.N.,  
RESPONDENT.

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STIPULATION

0004647

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Division of Legal Services and Compliance Case No. 15 NUR 571

Respondent Francisca A. Kadia, 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 Michael J. Cohn.

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.

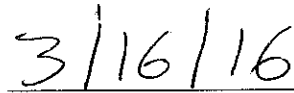
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

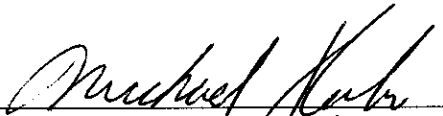
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



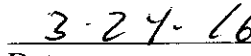
Francisca A. Kadia, R.N., Respondent  
10501 W. Bradley Road  
Milwaukee, WI 53224  
License no. 129143-30



Date



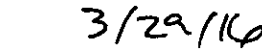
Michael J. Cohn, Attorney for Respondent  
Pledl & Cohn, S.C.  
1110 N. Old World Third Street, Suite 215  
Milwaukee, WI 53203



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