

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

ERIN-KIRSTI COLSTAD, R.N.,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

0005500

Division of Legal Services and Compliance Case No. 16 NUR 151

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

Erin-Kirsti Colstad, R.N.
2166 Southern Court
Cottage Grove, WI 53527-9663

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 Erin-Kirsti Colstad, R.N., (dob October 3, 1971) is licensed in the State of Wisconsin as a professional nurse, having license number 131506-30, first issued on February 19, 1999, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2166 Southern Court, Cottage Grove, Wisconsin 53527-9663.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at an assisted living facility (Facility) located in Madison, Wisconsin.

3. On November 23, 2015, Patient A was admitted to the Facility following a twelve (12) day hospital stay for acute and chronic respiratory failure with hypoxemic/hypercapnia and pneumonia.

4. Upon admission to the Facility, Respondent performed a head-to-toe assessment of Patient A who was cooperative and alert throughout the process.

5. The admission practice at the Facility required the admitting nurse to enter all physician and discharge orders into the patient's electronic medical record (EMR). Following such review and entry, another professional nurse reviews and confirms that the orders were correctly transcribed.

6. Patient A's hospital discharge orders, dated November 23, 2015, included continue home continuous positive airway pressure (CPAP) or BiPAP (bilevel positive airway pressure)¹ per home settings, 12/6 with 2 liter oxygen bleed.

7. Respondent failed to correctly enter the order to continue home CPAP or BiPAP. Due to the transcription error, the Facility did not provide Patient A with a BiPAP machine, which Patient A typically used from 10 p.m. to 6 a.m., every night.

8. Patient A experienced no distress throughout the evening in question.

9. On November 24, 2015, at 9:50 a.m., the floor nurse found Patient A unresponsive to verbal stimuli and minimally responsive to painful stimuli.

10. Nursing personnel immediately responded and contacted Patient A's co-health care agents regarding Patient A's change in condition.

11. Approximately 10:10 a.m., Patient A's condition had further declined. The Facility called 911, and the EMTs arrived at 10:20 a.m. At this time, Patient A could not be awakened.

12. Patient A was transferred to the emergency room and gradually became more alert after being placed on a BiPAP machine.

13. The November 25, 2015 notation in the medical record written by the emergency room doctor stated:

Patient presents with altered mental status. I did review patient's recent hospitalization. I did actually see this patient when she was initially admitted. She did become somnolent with decreased responsiveness with elevated CO2 levels...Patient's ABG shows evidence of CO2 retention. This is likely causing her altered mental status.

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

¹ BiPAP is a device that provides pressure support during non-invasive ventilation.

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, Erin-Kirsti Colstad, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety. Actual injury to a patient need not be established.

3. As a result of the above conduct, Erin-Kirsti Colstad, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Erin-Kirsti Colstad, R.N., is REPRIMANDED.

3. The professional license issued to Erin-Kirsti Colstad, R.N., (license number 131506-30) 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 three (3) hours of education on the topic of critical thinking and four (4) hours of education on the topic of ethics in nursing 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.
- 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. The professional license issued to Erin-Kirsti Colstad, R.N., (license number 131506-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. For a period of two (2) years, Respondent shall provide her nursing employer with a copy of this Order before engaging in any nursing employment. Respondent shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- b. 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 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, Erin-Kirsti Colstad, R.N., shall pay COSTS of this matter in the amount of \$965.00.

7. 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

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 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, fails to submit proof of successful completion of the ordered education, or fails to show Order to employer as set forth above, Respondent's license (no. 131506-30) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs, provided acknowledgements of having shown the order to employers and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by: Sheryl Krause
A Member of the Board

11-9-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIN-KIRSTI COLSTAD, R.N.,
RESPONDENT.

STIPULATION

0005500

Division of Legal Services and Compliance Case No. 16 NUR 151

Respondent Erin-Kirsti Colstad, 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 Brian Purtell.


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.


Erin-Kirsti Colstad, R.N., Respondent
2166 Southern Court
Cottage Grove, WI 53527-9663
License no. 131506-30

10/12/17 BRP pra
Date E.C.


Brian Purcell, Attorney for Respondent
DeWitt, Ross & Stevens, S.C.
2 East Mifflin Street, Suite 600
Madison, WI 53703

10/10/17
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

10/16/17
Date