

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

SUSAN A. BICKEL, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0006159

Division of Legal Services and Compliance Case No. 17 NUR 381

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

Susan A. Bickel, R.N.
N9524 Beulah Meadows Rd
Mukwonago, WI 53149

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 Susan A. Bickel, R.N., (DOB May 6, 1956) is licensed in the state of Wisconsin as a registered nurse, having license number 120352-30, first issued on July 15, 1995, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N9524 Beulah Meadows Road, Mukwonago, Wisconsin 53149.

2. At all times relevant to this proceeding, Respondent was employed as the Director of Nursing (DON) at a nursing home (Facility) located in West Allis, Wisconsin.

3. On January 21, 2017, the Facility administrator (NHA) was notified that Resident A was being harassed by two (2) Certified Nursing Assistants (CNAs) who worked the night shift. This report was made by a family member of Resident A's roommate (Reporter). The Reporter told the NHA that he had previously reported this harassment to Respondent on or around January 4, 2017.

4. The Facility subsequently investigated the Reporter's allegations, including interviews of staff and review of video of the nurse's station and the hallway by Resident A's room.

5. Resident A's records reflect that she was 94 years old with a diagnosis of dementia with behavioral disturbances, who regularly displayed verbal outbursts, made accusations against staff and was paranoid that others are trying to harm or kill her. Resident A's records reflect that she regularly used racial slurs and other derogatory language toward staff.

6. Nurse Manager A reported that Respondent was aware of Resident A's behavior and the ongoing conflict between the CNAs and Resident A, and that she had spoken with Respondent about this issue at least three (3) times in 2016. Nurse Manager A also said that Respondent had instructed her not to report nursing issues to administration including the conflict between Resident A and the CNAs.

7. Nurse Manager B reported that she became aware of the conflict between Resident A and the CNAs shortly after she started working at the Facility, had reported the issue to a supervisor, and was told it was an ongoing issue.

8. Video surveillance from January 19, 2017, shows the two (2) CNAs at issue laughing and making fun of Resident A in the nurse's station area.

9. The Facility investigation found evidence in Respondent's office that reflect that Respondent had met with the Reporter, including a note that said "spoke with [Reporter]" and a piece of paper including a note that said "[CNAs] work her up pulls [Resident A] /trigger." Both notes contained the actual name of the Reporter, the CNAs and Resident A.

10. During the Facility investigation, Respondent denied being aware of any issues between Resident A and the CNAs. Respondent could not explain the meaning of the note found in her office, as referenced in paragraph 9 above.

11. Based on the Facility investigation, the NHA concluded that:

- a. Respondent was aware of the conflict between Resident A and the two (2) CNAs, and the alleged abuse of Resident A by the two (2) CNAs, by January 4, 2017, at the latest.
- b. Respondent failed to do anything about the situation, which placed both Resident A and staff members in a compromising position that contributed to the ongoing conflict and harassment of Resident A, such as that evidenced on video on January 19, 2017.

- c. Respondent failed to report the alleged abuse as required by state and federal regulations and Facility policy.

12. On December 12, 2016, Respondent had been disciplined by the Facility for violating the Facility's policy on sexual harassment.

13. On January 20, 2017, Respondent had been suspended for poor performance with regard to administrative oversight of the clinical areas she supervised. At the time of the investigation regarding Resident A, Respondent was suspended as a result of the January 20 action.

14. On February 3, 2017, Respondent was terminated by the Facility as a result of the investigation involving Resident A.

15. 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, Susan A. Bickel, R.N., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

3. By the conduct described in the Findings of Fact, Susan A. Bickel, R.N., violated 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.

4. As a result of the above conduct, Susan A. Bickel, 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 Susan A. Bickel, R.N., is REPRIMANDED.

3. The professional nursing license issued to Susan A. Bickel, R.N., (license number 120352-30) and her privilege to practice in Wisconsin pursuant to the Enhanced 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 professional ethics and four (4) hours of education on the topic of reporting requirements 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. Pursuant to Enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.

5. Within 120 days from the date of this Order, Susan A. Bickel, R.N., shall pay COSTS in this matter in the amount of \$1,048.00.

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


You may also submit this information online via
DPS' Monitoring Case Management System, here:
<https://app.wi.gov/DSPSMonitoring>

7. In the event Respondent violates any term of this Order, Respondent's license (120352-30) or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

5/9/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN A. BICKEL, R.N.,
RESPONDENT.

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STIPULATION

0006159

Division of Legal Services and Compliance Case No. 17 NUR 381

Respondent Susan A. Bickel, 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.

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.

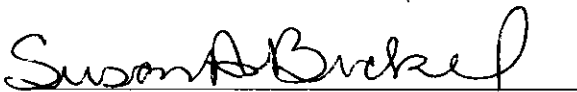
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Susan A. Bickel, R.N., Respondent
N9524 Beulah Meadows Rd
Mukwonago, WI 53149
License no. 120352-30

4-1-2019
Date



Carley J. Petch Kiesling, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

4/3/19
Date

RECEIVED

APR 3 2019