

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

SHARON A. EMBKE, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006410

Division of Legal Services and Compliance Case No. 18 NUR 132

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

Sharon A. Embke, R.N.,
3401 Leonard St.
La Crosse, WI 54601

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 Sharon A. Embke, R.N., (DOB May 18, 1966) is licensed in the state of Wisconsin as a registered nurse, having license number 107683-30, first issued on September 5, 1991, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3401 Leonard Street, La Crosse, Wisconsin 54601.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse with a home health care facility (Facility), located in La Crosse, Wisconsin.

3. In 2017, Respondent provided nursing care to Patient A (DOB January 6, 1996) at his home. Patient A is non-verbal and diagnosed with Quadriplegic Cerebral Palsy and epilepsy.

4. On March 3, 2018, the Department received a complaint from Patient A's mother (Complainant) alleging that Respondent provided improper care, violated professional boundaries, and borrowed money from the Complainant. Complainant alleged, in part, the following:

- a. On three separate occasions between March and September 2017, Respondent requested and was lent money totaling \$1,500.00 from Complainant. Respondent has not repaid Complainant.
- b. In August of 2017, Respondent became rude and belligerent when in Patient A's home to provide nursing care. Respondent also failed to spend "quality time" with Patient A and spent most of the time smoking cigarettes in the garage or outside Patient A's home.
- c. In November of 2017, Respondent engaged in a physical altercation with the Complainant. Complainant contacted Respondent's daughter to remove Respondent from Patient A's home.

5. Respondent admitted that she accepted a check from Complainant that was not for nursing services and engaged in a physical altercation with Complainant in November of 2017. Respondent has subsequently sought mental health treatment.

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, Sharon A. Embke, R.N., violated Wis. Admin. Code § N 7.03(4)(e), by violating principles of professional boundaries.

3. By the conduct described in the Findings of Fact, Sharon A. Embke, R.N., violated Wis. Admin. Code § N 7.03(4)(a), by soliciting, borrowing, misappropriating, obtaining, or attempting to obtain money or property from a patient or a patient's family.

4. By the conduct described in the Findings of Fact, Sharon A. Embke, R.N., violated Wis. Admin. Code § N 7.03(4)(e)(h), by accepting gifts which are more than minimal value or any cash from a patient or patient's family.

4. As a result of the above conduct, Sharon A. Embke, 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 Sharon A. Embke, R.N., is REPRIMANDED.
3. Within sixty (60) days of the date of this Order, Respondent shall, at her own expense, undergo a fitness for practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit to practice:
 - a. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
 - b. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
 - c. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
 - d. Respondent shall execute necessary documents authorizing the Division to obtain records of the evaluation, and to discuss Respondent and her case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
 - e. If the Evaluator determines that Respondent is not fit to practice or is fit for practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
 - f. If the Evaluator determines that Respondent is fit to practice or is fit to practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:

- i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
- ii. Additional professional education in any identified areas of deficiency.
- iii. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.

3. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

4. Within 120 days from the date of this Order, Sharon A. Embke, R.N., shall pay COSTS of this matter in the amount of \$714.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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 the Department's Monitoring Case Management System at


<https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (107683-30), 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.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/17/19
Date

1807/16/17
12 2019

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHARON A. EMBKE, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006410

Division of Legal Services and Compliance Case No. 18 NUR 132

Respondent Sharon A. Embke, 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.

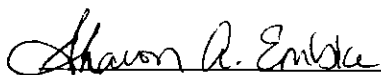
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Sharon A. Embke, R.N., Respondent
3401 Leonard St.
La Crosse, WI 54601
License no. 107683-30

7/9/19
Date


Colleen L. Meloy, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

07/12/2019
Date