

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

PAULETTE J. BROOKS-EDGAR, R.N.,
RESPONDENT.

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:
:

FINAL DECISION AND ORDER

ORDER 0006540

Division of Legal Services and Compliance Case No. 17 NUR 112

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

Paulette J. Brooks-Edgar
360 144th Avenue
Houlton, WI 54082-2316

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 Paulette J. Brooks-Edgar, R.N., (DOB: January 8, 1972) is licensed in the state of Wisconsin as a registered nurse, having license number 150156-30, first issued on February 10, 2005, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 360 144th Avenue, Houlton, Wisconsin, 54082-2316.¹

¹ The Wisconsin Circuit Court Access site shows a change of address notification submitted on September 18, 2019, regarding Respondent. The new address information they have is 606 4th Street North, Apartment 4, Hudson, Wisconsin 54016.

2. On May 20, 2014, Respondent was convicted in Eau Claire County Circuit Court case number 2014CM333, of one (1) count of Operating While Intoxicated (2nd), a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a).

3. On February 28, 2017, Respondent was convicted in Eau Claire County Circuit Court case number 2016CM1057, of Disorderly Conduct, an ordinance, in violation of Eau Claire County Code § 9.44.010, with a modifier of Domestic Abuse, in violation of Wis. Stat. § 973.055(1). The Disorderly Conduct was a domestic incident during which Respondent was under the influence of alcohol.

4. On February 28, 2017, Respondent was convicted in Eau Claire County Circuit Court case number 2016CM1226, of Bail Jumping, a Class A misdemeanor, in violation of Wis. Stat. § 946.49(1)(a). The Bail Jumping charge was specifically for consuming alcohol in violation of the terms of her bail.

5. Respondent completed an Alcohol and Other Drug Abuse (AODA) assessment in January and February of 2017. She was diagnosed with Adjustment Disorder Unspecified and Alcohol Use Disorder-mild.

6. Respondent successfully complied with a deferred prosecution agreement and on February 28, 2018, Respondent was successfully discharged from her probation for her 2017 convictions.

7. Respondent failed to report any of her convictions to the Board within 48 hours of the entry of the judgments of conviction because Respondent and her attorney were not aware of the time limit to report convictions.

8. When Respondent renewed her nursing credential in February 2018, she answered “no” to the question whether she violated any federal or state laws, or local ordinances, since her last renewal, which was in February 2016.

9. On July 30, 2019, Respondent was charged in St. Croix County Circuit Court case number 2019CT208, of one (1) count of Operating While Intoxicated (3rd), a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a), with a modifier of Alcohol Fine Enhancer, in violation of Wis. Stat. § 346.65(2)(g)3., and one (1) count of Operating with a PAC (3rd), in violation of Wis. Stat. § 346.63(1)(b), with a modifier of Alcohol Fine Enhancer, in violation of Wis. Stat. § 346.65(2)(g)3. This case is pending.

10. Sometime in July 2019, Respondent suffered a relapse involving drugs and/or alcohol; such relapse was based on personal circumstances. Respondent admitted that she needs counseling and treatment. Respondent participated in a short period of inpatient treatment and is currently seeking outpatient treatment.

11. On August 23, 2019, in St. Croix County Circuit Court case number 2019CV000368, a harassment restraining order was issued against Respondent.

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

CONCLUSIONS OF LAW

1. The Board 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(1)(h), by failing to notify the board of a misdemeanor within 48 hours after the entry of the judgment of conviction.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(5)(e) by committing fraud, deceit, or material omission when she failed to disclose her convictions when she renewed her credential in February 2018.
4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(f) by being unable to practice safely due to alcohol or other substance use.
5. By the conduct described in the Findings of Fact, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(c), due to acts which show the Respondent to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.
6. 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 is REPRIMANDED.
3. The registered nurse license issued to Respondent (license number 150156-30) to practice nursing in the state of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED as follows:
 - a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.
 - ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring

established by the Approved Program is a substantial violation of this Order. The requirements shall include:

1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than forty-eight (48) times per year, for at least the first year of this Order. Thereafter, the Board may adjust the frequency of testing on its own initiative at any time.
- iii. Respondent shall abstain from all personal use of alcohol.
- iv. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- v. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician,

in which case the drug must be reported as described in the paragraph 4(a)v.

- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
 - viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
 - ix. 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. For a period of at least 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. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully complied with this limitation for one (1) year.
- 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 Respondent's employment and evaluating her work performance. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully complied with this limitation for two (2) years. Successful compliance requires work reports satisfactory to the Board or its designee.
- d. Within sixty (60) days of the date of this Order, Respondent shall, at her own expense, undergo an Alcohol and Other Drug Abuse (AODA) evaluation with a pre-approved evaluator (Evaluator) who has not provided treatment to

Respondent and is experienced in evaluating whether a health care professional has alcohol or drug abuse issues.

- i. Prior to the evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the Evaluator that a copy of this Order has been received by the Evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- ii. 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 for alcohol and/or drug usage and/or abuse issues.
- iii. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the evaluation 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.
- iv. 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.
- v. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the evaluation and/or the Evaluator's recommendations.
- vi. Respondent shall comply with the Evaluator's recommendations.

4. Pursuant to the Compact, Respondent may not practice in a Compact state, other than Wisconsin, during the pendency of this limitation(s).

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,268.00.

6. 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 DSPS Monitoring Case management System here:


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

7. In the event Respondent violates any term of this Order, Respondent's license (150156-30), 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. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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

11/14/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PAULETTE J. BROOKS-EDGAR, R.N.,
RESPONDENT.

STIPULATION

ORDER 0006540

Division of Legal Services and Compliance Case No. 17 NUR 112

Respondent Paulette J. Brooks-Edgar, 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 Lisa Hirschman.

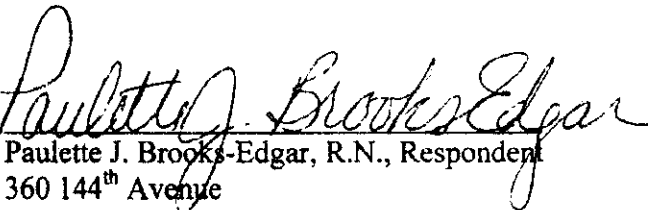
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

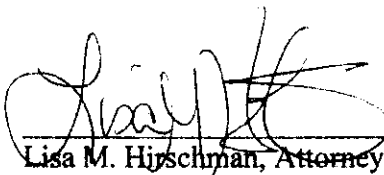
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


Paulette J. Brooks-Edgar, R.N., Respondent
360 144th Avenue
Houlton, WI 54082-2316
License no. 150156-30

October 29, 2019
Date


Lisa M. Hirschman, Attorney for Respondent
Otto & Steiner Law, S.C.
4252 Southtowne Dr., Ste A
Eau Claire, WI 54701

10/31/2019
Date


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

10/31/19
Date