

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

PAUL J. FRETSCHER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006659

Division of Legal Services and Compliance Case No. 18 NUR 557

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

Paul J. Fretschel, R.N.
W3712 W. River Rd.
Tomahawk, WI 54487

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 Paul J. Fretschel, R.N., (DOB September 7, 1956) is licensed in the state of Wisconsin as a registered nurse, having license number 70976-30, first issued on September 29, 1978 and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W3712 West River Road, Tomahawk, Wisconsin 54487.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a correctional facility (Facility), located in Irma, Wisconsin.

3. On February 9, 2016, Respondent received a call at 9:00p.m. from housing unit staff that Patient A, a 14-year old male, was complaining of headache and stomach pains. Patient A was bent over and appeared ill.

4. On February 9, 2016, Patient A reported vomiting eight (8) to ten (10) times since the prior day.

5. On February 9, 2016, Respondent met with Patient A and documented abdominal tenderness upon palpitation without rebound tenderness and hyperactive bowel sounds.

6. On February 9, 2016, Respondent gave Patient A two (2) bottles of Sierra Mist to sip slowly. Patient A was instructed that if vomiting occurred again to stop for one (1) hour and then retry. Respondent also noted that Patient A was scheduled to be rechecked.

7. Respondent failed to provide direction or suggestion for follow up on Patient A.

8. On September 9, 2018, the Department mailed a request for a response to the allegations to Respondent at the address on file with the Department. The Department did not receive a response.

9. 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, Paul J. Fretschel, R.N., violated Wis. Admin. Code § N 7.03(1)(c), by failing to respond to a request from the Board in a timely manner.

3. By the conduct described in the Findings of Fact, Paul J. Fretschel, R.N., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

4. By the conduct described in the Findings of Fact, Paul J. Fretschel, 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 necessary risk or danger to a patient's live, health or safety.

5. By the conduct described in the Findings of Fact, Paul J. Fretschel, R.N., violated Wis. Admin. Code § N 7.03(6)(i), by failing to consult or delaying in consultation for clinical care beyond scope of practice.

6. By the conduct described in the Findings of Fact, Paul J. Fretschel, R.N., violated Wis. Admin. Code § N 7.03(6)(j), by failing to treat.

6. As a result of the above conduct, Paul J. Fretschel, 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 Paul J. Fretschel, R.N., is REPRIMANDED.
3. The registered nurse license issued to Paul J. Fretschel, R.N., (license number 221425-30) and his 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 his own expense, successfully complete six (6) hours of education on the topic of patient assessment 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 the Enhanced Nurse Licensure Compact, Respondent's may not practice nursing in a compact state, other than Wisconsin, during the pendency of this limitation.
5. Within 120 days from the date of this Order, Paul J. Fretschel, R.N., shall pay COSTS of this matter in the amount of \$536.00.
6. 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>

7. In the event Respondent violates any term of this Order, Respondent's license (70976-30), or Respondent's right to renew his 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

2/13/20
Date

RECEIVED

JAN 28 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PAUL J. FRETSCHER, R.N.,
RESPONDENT.

STIPULATION

ORDER 0006659

Division of Legal Services and Compliance Case No. 18 NUR 557

Respondent Paul J. Fretschel, 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.

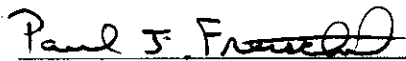
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Paul J. Fretschel, R.N., Respondent
W3712 W. River Rd.
Tomahawk, WI 54487
License no. 70976-30

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1-15-2020
Date



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

1/28/2020
Date