

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

SARA K. WISE, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006831

Division of Legal Services and Compliance Case No. 17 NUR 421

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

Sara K. Wise, R.N.
Fond Du Lac, WI 54935

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 Sara K. Wise, R.N., (DOB xx/xx/1981) is licensed in the state of Wisconsin as a registered nurse, having license number 199449-30, first issued on February 13, 2014, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Fond Du Lac, Wisconsin 54935.

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

3. On July 13, 2017, three Facility residents reported that they did not receive as-needed (PRN) pain medication that Respondent had documented administering to them.

4. The Facility investigated and discovered that between July 12 and July 13, 2017, Respondent documented administering, but patients denied receiving, Percocet (oxycodone-acetaminophen) 5-325 mg, Norco (hydrocodone-acetaminophen) 5-325 mg, and Ativan® (lorazepam) 0.5 mg.

5. The Facility also discovered that Respondent removed Percocet 5-325 mg, and Norco 5-325 mg from the Pyxis, but failed to document administration of those medications, on numerous occasions in July 2017. Specific examples include, but are not limited to, the following:

- a. Resident A was prescribed Percocet 5-325 mg, 1-2 tablets twice per day as needed for pain. On July 4 and July 12, 2017, Respondent removed Percocet from the Pyxis for Resident A, but did not document administration of the medication to Resident A.
- b. Resident B was prescribed Norco 5-325 mg tablets, one tablet twice per day, as well as every four hours as needed. Between July 1 and July 13, 2017, Respondent removed Norco twelve (12) times from the Pyxis for Resident B, but did not document administration of the medication to Resident B on any of those dates.
- c. Resident C was prescribed Norco 5-325 mg tablets, 1-2 tablets every four (4) hours as needed for pain. Between July 9 and July 13, 2017, Respondent removed Norco five (5) times from the Pyxis for Resident C, but did not document administration of the medication to Resident C on any of those dates.

6. During the course of its investigation, the Facility also discovered that Respondent administered more PRN medications during her shifts when compared to other Facility nurses and displayed a pattern of giving PRN medication to residents without the necessary documentation of pain or follow up.

7. Respondent admitted to the Facility that her practice was to pre-medicate residents before they had a treatment on the next shift and that she sometimes medicated residents before they expressed pain or requested pain medication. Respondent stated that she was taught “it is easier to control pain than it is to treat it”.

8. On July 14, 2017, Respondent submitted to a urine drug screen (UDS) which tested positive for oxycodone/oxymorphone and hydrocodone/hydromorphone.

9. Respondent claimed that her positive UDS was the result of prescribed medications that she had taken in July 2017. Respondent had valid prescriptions dated May 14 and 16, 2017, for Percocet (oxycodone-acetaminophen) 5-325 mg tablets, which had been prescribed after a hospitalization. Respondent claimed she had also taken hydrocodone left over from an old dental prescription received in 2008.

10. The Facility terminated Respondent's employment on July 19, 2017.

11. Respondent has been employed by three (3) different employers since her termination by the Facility. Respondent was terminated by two of those employers for "failing to complete job responsibilities" and "unsatisfactory job performance".

12. 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, Respondent 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.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(d), by committing an error in prescribing, dispensing, or administering medication.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

5. 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 199449-30) 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 documentation, and four (4) hours of education on the topic of medication administration, 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.
- d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

4. Within ninety (90) 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 for 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 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 Department 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 for 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 for practice or is fit for 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.
- g. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

5. Within ninety (90) days Respondent shall, at her own expense, undergo and complete an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.

- a. Prior to the assessment, Respondent shall provide a copy of this 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.
- b. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
- c. 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.

- d. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
 - e. Respondent shall comply with the evaluator's recommendations.
 - f. Respondent is for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.
6. Should Respondent have a Wisconsin multi-state license, Respondent may not practice in any Compact state, other than Wisconsin, while Respondent's license is encumbered by any terms of this Order.
7. In addition to any other action authorized by this Order or law, the Board, in its discretion, may impose additional limitations or pursue separate disciplinary action for violation of any term of this Order.
8. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,795.00.
9. Request for approval of courses, proof of successful course completion, and any other submissions required by this Order, as well as 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://dpsmonitoring.wi.gov>

10. In the event Respondent violates any term of this Order, Respondent's license (199449-30), 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.

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

WISCONSIN BOARD OF NURSING

by:

Peter Kallio
A Member of the Board

6/11/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SARA K. WISE, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006831

Division of Legal Services and Compliance Case No. 17 NUR 421

Respondent Sara K. Wise, 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.

Sara K. Wise, R.N.
Sara K. Wise, R.N., Respondent
Fond Du Lac, WI 54935
License No. 199449-30

5/23/2020
Date

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

5/28/2020
Date