

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
ANNE M. EMBRETSON, R.N., :  
RESPONDENT. :

**ORDER 0006934**

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Division of Legal Services and Compliance Case Nos.  
18 NUR 422, 19 NUR 198 and 19 NUR 557

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

Anne M. Embretson, R.N.  
Durand, WI 54736-1259

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 agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Anne M. Embretson, R.N., (DOB XX-XX-1960) is licensed in the state of Wisconsin as a registered nurse, having license number 116909-30, first issued on July 21, 1994, and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Durand, Wisconsin, 54736-1259.

18 NUR 422

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

3. On January 30, 2018, Respondent worked 12.50 hours. On January 31, 2018, Respondent was observed sleeping in front of the computer at the Facility. Respondent indicated feeling sick and the Facility sent her home. Respondent failed to chart many of the tasks she had performed.

4. On February 3, 2018 and February 4, 2018, Respondent worked 12.75 hours and 13.00 hours, respectively. On February 4, 2018, Respondent was observed acting disoriented and was later observed sleeping at the desk. During her shift, three (3) residents failed to receive their nebulizer treatment after Respondent had signed them out.

5. On February 18, 2018, Respondent was terminated from the Facility for “sleeping on the job, disoriented.” Between February 12, 2018 and February 17, 2018, Respondent worked 65.25 hours. On February 18, 2018, Respondent was 8.50 hours into her shift when terminated.

6. Respondent denies impairment and says she was tired from working long shifts.

19 NUR 198

7. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a center located in Eau Claire, Wisconsin (Center).

8. On May 4, 2019, Respondent was observed falling asleep at the desk at the Center.

9. On May 6, 2019, Respondent met with Center staff and admitted diverting oxycodone from Resident A on May 4, 2019. Resident A’s order was for 0.5 ml/10 mg every hour as needed. Respondent admitted giving Resident A two (2) doses and herself two (2) doses during the night.

10. The Center’s Progressive Discipline form, signed by Respondent, indicated the reason for Respondent’s discipline was “misappropriation of resident medication.”

19 NUR 557

11. On January 8, 2019, Respondent pled no contest and was convicted of Operating While Impaired (OWI) (2<sup>nd</sup>) in Pepin County Circuit Court Case No. 18CT034, a misdemeanor in violation of Wis. Stat. § 346.63(1)(a), for attempting to drive away from a market while intoxicated.

12. On August 30, 2019, Respondent untimely reported her OWI (2<sup>nd</sup>) conviction to the Department.

13. Respondent entered into a non-disciplinary program, separate from this Order, on August 27, 2019.

14. In resolution of these matters, 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 these matters 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 felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction, including the date, place, and nature of the conviction or finding.

3. 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. Actual injury to a patient need not be established.

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), (c) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license to practice nursing issued to Respondent is LIMITED as follows:

a. Respondent shall comply with the non-disciplinary program contract, dated August 27, 2019.

b. Any violation of the terms of the non-disciplinary program contract, dated August 27, 2019, is a violation of this Order.

c. Respondent may petition for termination of the limitation upon successful completion of the non-disciplinary program.

4. Pursuant to the Enhanced Nurse Licensure Compact, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

5. In the event Respondent is unsuccessfully discharged from the non-disciplinary program, Respondent's license may, in the discretion of the Board or its designee, be immediately SUSPENDED without further notice or hearing. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct surrounding the Findings of Fact and Respondent's unsuccessful discharge from the non-disciplinary program.

6. Within ninety (90) days from the date of this Order, Respondent shall pay the combined COSTS of these matters in the amount of \$1,246.00.

7. 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 the Department's Monitoring Case Management System at: <https://dspsmonitoring.wi.gov>.

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

WISCONSIN BOARD OF NURSING

By: Peter Kallio  
A Member of the Board

8/13/2020  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANNE M. EMBRETSON, R.N.,  
RESPONDENT.

STIPULATION

ORDER 0006934

Division of Legal Services and Compliance Case Nos.  
18 NUR 422, 19 NUR 198 and 19 NUR 557

Respondent Anne M. Embretson, 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 three (3) pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 Andrea Pavelka Hoversten.

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 matters 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 these investigations 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.

Anne M. Embretson BSN RN  
Anne M. Embretson, R.N., Respondent  
License No. 116909-30

7-31-2020  
Date

Andrea Pavelka Hoversten  
Andrea Pavelka Hoversten, Attorney for Respondent  
Geraghty, O'Loughlin & Kenney, P.A.  
Alliance Bank Center, Suite 1100  
55 E. Fifth Street  
St. Paul, MN 55101-1812

07/31/2020  
Date

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

07/31/2020  
Date