

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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4. Applicant states that the medications she is prescribed for treatment of mental illness/anorexia can make her drowsy and groggy.

5. Applicant continues to take a medication that makes her groggy and that she attributes to causing her behavior in the grocery store underlying her Petty Theft violation.

6. Applicant's physician stated that Applicant is currently in a relapse of anorexia, which has rendered her unable to work due to fatigue and physical malnourishment. When asked whether Applicant is fit to practice her physician stated, "currently based on her physical health, [Applicant] would be unable to work."

7. In resolution of this matter, Applicant 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 the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. Pursuant to Wis. Stat. §§ 441.07(1g)(b),(c), and (d), the Board may deny or limit a license if Applicant committed acts which show the Registered Nurse, to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

3. Pursuant to Wis. Admin. Code §§ N 7.03(6)(f), (g), and (h) the Board may deny or limit a license if Applicant is unable to practice safely by reason of alcohol or other substance use, psychological impairment, mental disorder, or physical illness or impairment.

4. Pursuant to Wis. Stat. § 440.08(4), the Board may deny the Applicant's application for renewal of her Registered Nurse license to protect the public health, safety, or welfare.

5. By the conduct and information described in the Findings of Fact, Applicant has engaged in conduct that demonstrates she is unable to practice safely by reason of a legitimately prescribed substance.

6. By the conduct and information described in the Findings of Fact, Applicant been deemed unable to practice by her physician due to her psychological impairment, mental disorder, or physical illness or impairment.

ORDER

1. The attached Stipulation is accepted.

SUSPENSION

2. An indefinite suspension of Applicant's Registered Nurse license and privilege to practice professional nursing is necessary until Applicant can provide evidence satisfactory to the Board that she is fit and competent to safely practice professional nursing.

3. Applicant's ability to practice as a Registered Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Enhanced Nurse Licensure Compact (Compact), is RENEWED and SUSPENDED for an indefinite period.

STAY OF SUSPENSION

4. Applicant may petition the Board for a stay of the suspension under the following terms and conditions:

- A. Applicant shall have, at her own expense, undergone a fitness to practice evaluation with a Board pre-approved psychiatrist or psychologist (Evaluator) experienced in evaluating health care practitioners' fitness for duty. Pre-approval shall be obtained through the Department of Safety and Professional Services Monitor (Department Monitor).
 - i. The Evaluator performing the evaluation must not have treated Applicant and shall have been approved by the Board or its designee. The Evaluator must have an unencumbered Wisconsin license in good standing; and
 - ii. Within fifteen (15) days of the completion of the assessment, 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 Applicant suffers from any condition(s) that may interfere with her ability to practice safely and, if so, shall provide any recommended limitations for safe practice.
- B. Prior to evaluation, Applicant shall provide a copy of this Order to the Evaluator.
- C. Applicant shall execute necessary documents authorizing the Division to obtain records of evaluation, and to discuss Applicant and her case with the evaluator. Applicant 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.

- D. Applicant shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Applicant has been treated or evaluated.
- E. Applicant shall comply with any and all reasonable requests by the Evaluator for purposes of scheduling and completing the evaluation, including additional testing the examiner deems helpful. Any lack of reasonable and timely cooperation, as determined by the examiner, may constitute a violation of an order of the Board.
- F. Applicant is responsible for timely payment of the costs of the examination. Payment shall be made directly to the Evaluator.
- G. Applicant must provide proof sufficient to convince the Board that Applicant is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Applicant from practicing in that manner.
- H. If the Board determines that Applicant is fit to practice, the Board may nonetheless limit Applicant's license in a manner to address any concerns the Board has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the assessment, including, but not limited to:
 - i. Psychotherapy, at Applicant'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 or practice setting or requirements for supervision of practice, by a professional approved by the Board, with quarterly reports to the Board by the supervisor.
- I. If the Board determines that Applicant is not fit to practice, the Board may deny the request for a stay and Applicant's license will remain indefinitely suspended until Applicant provides proof sufficient to convince the Board that Applicant is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Applicant from practicing in that manner. In the alternative, the Board may limit Applicant's license in a manner to address any concerns the Board has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the assessment, including, but not limited to:

- i. Psychotherapy, at Applicant'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 or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- J. If Applicant believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board or its designee is inappropriate, Applicant may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Applicant to show that the Board's or designee's decision is arbitrary or capricious. The suspension or limitations on Applicant's license shall remain in effect until there is a final decision in Applicant's favor on the issue.
- K. Applicant is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

DEPARTMENT MONITOR

5. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

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://dspsmonitoring.wi.gov>

6. Pursuant to the Compact, Applicant may not practice in a Compact State, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this order.

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant'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 Applicant 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. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN BOARD OF NURSING

By:

 /CP.
A Member of the Board

10/23/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A REGISTERED NURSE
LICENSE

BROOKE GUTSMIEDL, R.N.,
APPLICANT.

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STIPULATION

ORDER 0007054


It is stipulated between Applicant and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application to renew her Registered Nurse license.
2. Information received by the Board reflects a basis for denial of the renewal application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a renewal and immediate suspension of the Registered Nurse license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order by the Board. The parties to the Stipulation consent to the entry of the attached Order without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order is an encumbrance as defined by the Enhanced Nurse Licensure Compact (Compact) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.


Brooke Gutsmedl, R.N.
Kaukauna, WI 54130-1174
License no. 177713-30

10.15.20
Date

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Date


7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

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Date

/CP.

A Member of the Board of Nursing
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

10/23/2020
Date