

## 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 THE LICENSE OF :  
LOLITA ALLEN, R.N., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION

**ORDER 0007088**

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Division of Legal Services and Compliance Case No. 18 NUR 679

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

Lolita Allen, R.N.  
Glendale, WI 53217

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. Licensee Lolita Allen, R.N., (DOB xx-xx-1971) is licensed in the state of Wisconsin as a registered nurse, having license number 190381-30, first issued on August 1, 2012, and current through February 28, 2022. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Glendale, Wisconsin 53217.

2. At all times relevant to this matter, Licensee owned and operated a personal care agency in Glendale, Wisconsin (Agency).

3. The Wisconsin Department of Health Services (DHS) conducted three audits of the Agency's claims for Medicaid reimbursement.

4. DHS's audit findings concluded that Licensee failed to maintain sufficient documentation and records necessary to support the Agency's claims for Medicaid reimbursement, in violation of Wis. Admin. Code § DHS 106.02(9).

5. DHS concluded that the Agency was overpaid a total amount, over the three audits, of \$121,153.64.

6. On May 4, 2017, Licensee signed a promissory note acknowledging that the Agency was overpaid in the amount of the first audit of \$44,524.40.

7. In 2017, the Agency voluntarily closed.

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

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Licensee shall at her own expense take and successfully complete the following continuing education: four (4) hours on the topic of ethics and three (3) hours of Direct Care Competency training for personal care services.

- a. Licensee shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Board or its designee, prior to commencement of the courses. Licensee must take and pass any exam offered for the course(s).
- b. The Wisconsin Personal Care Services Association training on Direct Care Competency is hereby pre-approved by the Board.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. Licensee 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 education

requirements that have been or may be instituted by the Board or Department.

3. Request for approval of course(s) and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

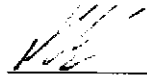
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

Licensee may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

By:

  
\_\_\_\_\_  
A Member of the Board

12 November 2020

\_\_\_\_\_  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF :

LOLITA ALLEN, R.N., :  
LICENSEE. :

STIPULATION

**ORDER 0007088**

---

Division of Legal Services and Compliance Case No. 18 NUR 679

Licensee Lolita Allen, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented in this case by Attorney Diane Welsh.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

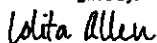
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 Licensee, 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.

DocuSigned by:

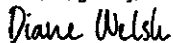



  
Lolita Allen, R.N., Licensee  
Glendale, WI 53217  
License No. 190381-30

10/27/2020

Date

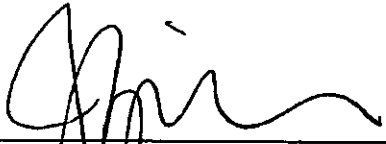
DocuSigned by:



  
Diane Welsh, Attorney for Licensee  
Pines Bach LLP  
122 W. Washington Ave., Suite 900  
Madison, WI 53703

10/27/2020

Date

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

10/28/2020

Date