

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR A :
LICENSED PRACTICAL NURSE CREDENTIAL :
: ORDER GRANTING
: LIMITED LICENSE
BREANNA N. THOMPSON, :
APPLICANT. :

ORDER 0007280

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

Breanna N. Thompson
Milwaukee WI 53223

Wisconsin Board of Nursing
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about March 9, 2020, Breanna N. Thompson (Applicant) filed an application (#713540) for a Wisconsin Licensed Practical Nurse license.
2. Applicant has the following violations:
 - A. On or about September 4, 2013 – Disorderly Conduct, an ordinance violation.
 - i. Applicant stated when Applicant was fifteen (15) years old and in high school, she got into an argument with another classmate that became physical. Applicant was ticketed and initially sentenced to twenty (20) hours of community service. Applicant states being young and irresponsible, she did not complete the community service and was fined. She paid the fine in 2016.
 - ii. The police report stated that after lunch, Applicant and another high school student got into an argument that turned into a physical fight. The

student pushed Applicant, Applicant responded by punching the other student and pulling her hair. Both hit each other and then were separated. Applicant told police after being pushed, she could not hold herself back, and blacked out. Applicant paid a fine.

B. On or about October 29, 2020 – Disorderly Conduct, an ordinance violation.

- i. Applicant stated while working a shift as a graduate nursing student at a nursing home, Applicant reported to her supervisor that she was being harassed by another student. Applicant states that a co-worker was yelling at her, using racial slurs, and putting hands on her. Applicant stated that she disagrees with the accuracy of the criminal complaint and believes the police officer was biased against her. Applicant believes her charge was reduced from a misdemeanor Battery charge to a Disorderly Conduct ordinance charge due to these factors.
- ii. The criminal complaint stated Applicant's co-worker (S.S.) asked Applicant why Applicant does not smile or talk to S.S. Applicant responded that she was working and told S.S. to stay away from her. After clocking out at work, walking to the parking lot, Applicant asked S.S. what S.S.'s problem was with Applicant. Applicant went up and punched S.S. in the face with a closed fist. S.S. fell, Applicant was on top of S.S. and continued to attempt to punch S.S. in the face. Applicant eventually got off S.S., walked away, and stated "wrong bitch, right place." A witness corroborated S.S.'s account. The complaint states Applicant admitted punching S.S. two (2) or three (3) times. The officer observed a golf-ball sized bump on S.S.'s head and a laceration on top of the bump.

3. On or about February 19, 2021, the Board sent Applicant a letter informing her of the Board's concerns with her ability to handle confrontations in a professional environment and requested Applicant provide documentation of rehabilitation and fitness to engage in the licensed activity.

4. On or about March 1, 2021, the Board received letters from Applicant's nursing school dean, Applicant's professor, Applicant's boss, a close family friend of the Applicant, and Applicant's life coach as evidence of Applicant's rehabilitation.

5. In resolution of the 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), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a licensed practical nurse for one or more violations of this subchapter or any rule adopted by the Board under the authority of this subchapter.

3. Pursuant to Wis. Stat. § 441.07(1g)(d), the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a licensed practical nurse for misconduct or unprofessional conduct.

4. Pursuant to Wis. Admin. Code § N 7.03(2) the Board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of licensed practical nurse for violating a law substantially related to nursing.

5. Pursuant to Wis. Stat. § 441.10(1)(b) and Wis. Admin. Code § N 2.10(2)(c), a Licensed Practical Nurse credential shall only be granted if an applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not employment discrimination because of conviction record to refuse to license an individual if the individual has been convicted of an offense, the circumstances of which substantially related to the practice of the particular licensed activity.

6. By the conduct described in the Findings of Fact, Applicant was convicted of offense(s) the circumstances of which substantially relate to the practice of practical nursing.

7. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Industry Review Comm’n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

- A. Applicant’s actions underlying her Disorderly Conduct violations demonstrate that Applicant lacks the necessary tools to properly deal with her anger. Her most recent Disorderly Conduct violation demonstrates a problem with dealing with confrontation in a professional setting. Nursing can be stressful and there may be conflicts with coworkers or patients that will need to be deescalated professionally, never physically. A Licensed Practical Nurse must be steady and calm to handle the stresses involved with the job and to handle emergencies that arise. Blacking out due to anger reflects an impaired ability to safely or reliably perform the duties of a Licensed Practical Nurse.
- B. Applicant’s most recent Disorderly Conduct violation occurred on October 29, 2020. Less than one (1) year has elapsed prior to this application. Further, Applicant failed to provide any information addressing Applicant’s anger or steps that Applicant has taken to better handle her anger, especially in a

professional setting. Given the above, Applicant has not yet demonstrated sufficient rehabilitation and fitness to perform practical nursing.

8. By the conduct described in the Findings of Fact, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 441.07(1g)(b), and (d), and Wis. Admin. Code § N 7.03(2).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Licensed Practical Nurse credential are necessary to ensure that she is fit and competent to practice as a Licensed Practical Nurse.
3. Applicant's ability to practice as a Licensed Practical Nurse in the state of Wisconsin, and her privilege to practice pursuant to the Enhanced Nurse Licensure Compact (Compact), is LIMITED for a period of at least one (1) year as follows:
 - A. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
 - B. It is Applicant's responsibility to arrange for her professional nursing supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the Applicant's activities, including:
 - i. Applicant's interactions with coworkers and patients,
 - ii. Applicant's ability to engage in successful conflict resolution, and
 - iii. verify that Applicant is in compliance with the laws governing the practice of minimal standards of acceptable and prevailing nursing practice with reasonable skill and safety.
 - C. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
 - D. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor

within 48 hours of any such event, including any convictions resulting from pending charges.

- E. Within 90 days of the date of this Order, Applicant shall complete an anger-management course pre-approved by the Board. Course preapproval shall be obtained through the Department Monitor. Within 30 days of completion of the anger management course, Applicant shall submit:
 - i. proof satisfactory to the Board verifying Applicant's successful course completion, and
 - ii. a statement to the Board addressing what she learned from anger management and explain how she would handle future confrontations differently.
- F. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

4. After one (1) year of successful compliance under this Order, including at least six hundred (600) hours of approved nursing practice during one (1) year, the Applicant may petition the Board for full, unrestricted licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

5. 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.

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-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://dpsmonitoring.wi.gov>

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: Jennifer Eklof
A Member of the Board

03/16/2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR A :
LICENSED PRACTICAL NURSE CREDENTIAL :

BREANNA N. THOMPSON,
APPLICANT. :

:
: STIPULATION

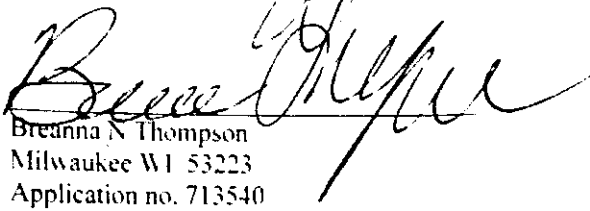
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: **ORDER 0007280**

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


1. Applicant filed an application for a Licensed Practical Nurse license.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Licensed Practical 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 Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License 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 Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License 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.


Breanna N. Thompson
Milwaukee WI 53223
Application no. 713540

03/13/2021
Date


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

03/16/2021
Date