

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 :
 : FINAL DECISION AND ORDER
SABITA KATTEL, R.N., :
RESPONDENT. : **ORDER 0007504**

Division of Legal Services and Compliance Case No. 20 NUR 403

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

Sabita Kattel, R.N.
Milwaukee, WI 53211

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. Sabita Kattel, R.N. (Respondent), (Year of Birth 1989), is licensed in the state of Wisconsin as a registered nurse, having license number 246305-30, first issued on February 7, 2019 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 Milwaukee, Wisconsin 53211.

2. Respondent was also licensed as a registered nurse in Illinois (granted on April 6, 2017 and expired on May 31, 2018) and Montana (granted on January 31, 2018 and expired on December 31, 2019).

3. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a nursing home located in Milwaukee, Wisconsin (Facility).

4. On May 11, 2020, a medication technician (Technician) noticed that the third shift nurse had not appeared for her shift. The Technician reported the staffing issue to Respondent who was working the "PM" shift and was near the end of her shift. Respondent advised the Technician that she had attempted to contact the Director of Nursing (DON) and the Assistant Director of Nursing (ADON), but was unable to reach them so she left voice mail messages for them. Respondent then informed the Technician that she could not stay for the night shift and left the Facility.

5. During the Facility's investigation, it was found that Respondent did not leave voice mail messages for the DON or ADON on May 11, 2020. The Facility DON and ADON were unaware of the absence of nursing coverage until the next day, May 12, 2020.

6. Respondent left the Facility without proper notice to supervisory personnel, without securing any nursing coverage, without giving a verbal nurse shift report to another nurse, and left the Technician to provide care to Facility residents without any licensed nursing staff present. Such actions were in violation of Facility policy.

7. Respondent neither admits nor denies the above findings but in the interest of resolving this matter without expending additional resources, agrees to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 failed to perform nursing with reasonable skill and safety within the meaning of Wis. Admin. Code § N 7.03(6)(a).

3. By the conduct described in the Findings of Fact, Respondent failed to report to or left a nursing assignment without properly notifying appropriate supervisory personnel and ensuring the safety and welfare of the patient or client within the meaning of Wis. Admin. Code § N 7.03(6)(d).

4. By the conduct described in the Findings of Fact, Respondent's conduct amounted to inappropriate or inadequate supervision or delegation within the meaning of Wis. Admin. Code § N 7.03(7)(c).

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The registered nurse license issued to Respondent (license number 246305-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact (Compact), are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of ethics, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. Respondent shall also at her own expense, successfully complete the Wisconsin Nurse Practice Act course provided/offered by the National Council of State Boards of Nursing (NSCBN).
- 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. 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. 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.
- d. 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.

4. Should Respondent have a Wisconsin multistate license, Respondent may not practice in any Compact state, other than Wisconsin, while Respondent's license is encumbered by any term of this Order.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$770.00.

6. Any requests, petitions, payment of costs (made payable to the Department of Safety and Professional Services), and other information required by this Order shall be submitted 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

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov/>.

7. In the event Respondent violates any term of this Order, Respondent's license (246305-30), 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.

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

WISCONSIN BOARD OF NURSING

By:



A Member of the Board

8/12/2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SABITA KATTEL, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007504

Division of Legal Services and Compliance Case No. 20 NUR 403

Sabita Kattel, R.N. (Respondent), 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. Respondent is represented by Attorney Stacie H. Rozenzweig.


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.




Sabita Kattel, R.N., Respondent
Milwaukee, WI 53211
License No. 246305-30

06/11/2021
Date



Stacie H. Rosenzweig, Attorney for Respondent
Halling & Cayo S.C.
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

06/14/2021
Date



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

6/16/2021
Date