

## 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  
COLLEEN J. SULLIVAN, R.N., :  
RESPONDENT. :

**ORDER 0007505**

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Division of Legal Services and Compliance Case No. 20 NUR 492

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

Colleen J. Sullivan, R.N.  
Port Washington, WI 53074

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 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. Colleen J. Sullivan, R.N. (Respondent), (Year of Birth 1958) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 90401-30, first issued on March 27, 1985, 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 Port Washington, Wisconsin 53074.

2. On September 1, 2011, Respondent was reprimanded and required to undergo a psychological examination, fitness to practice evaluation, random drug testing and work reports for two years, and complete eight (8) hours of education pursuant to the Board's Order No. 0001070. The Order was based on an investigation which concluded that Respondent had

committed numerous medication administration and charting errors in 2008. Respondent stated at the time that her depression and anxiety medication caused the mistakes. On November 25, 2013, Respondent's license was returned to full and unrestricted status.

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

4. On July 29, 2020, Respondent admitted to her psychiatrist that she had been abusing her lorazepam starting in June 2020 due to the stressors of work. Respondent denied using alcohol and the psychiatrist noted a long history of sobriety with alcohol.

5. On September 19, 2020, Respondent admitted to a co-worker at the Facility that she had been misusing her anxiety medication and was exhibiting erratic behavior at work.

6. On September 21, 2020, Respondent requested a leave of absence from the Facility due to concerns about her mood and anxiety and "not being up to par" at work.

7. On October 27, 2020, Respondent started an Intensive Outpatient Program (IOP). During this treatment, Respondent reported a recent history of abusing Ativan (a benzodiazepine whose generic name is lorazepam).

8. On November 24, 2020, Respondent was discharged from the IOP with a diagnosis of major depressive disorder, mild; generalized anxiety disorder; alcohol use disorder, in sustained remission; and rule out benzodiazepine use disorder. Respondent was instructed to follow up with her psychiatrist as well as an outpatient therapist and was provided information for several addiction treatment programs in the area.

9. On January 2, 2021, the Facility terminated Respondent's employment for noncompliance with the Facility's Fitness for Duty process.

10. On March 11, 2021, Respondent's psychiatrist noted the following Assessment/Diagnosis for Respondent: generalized anxiety disorder; major depressive disorder, recurrent, partial remission; insomnia, not otherwise specified; alcohol use disorder in full sustained remission.

11. In resolution of this matter, Respondent 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 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(6)(e) by practicing nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(f) by being unable to practice safely by reason of alcohol or other substance use.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(6)(g) by being unable to practice safely by reason of psychological impairment or mental disorder.

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

### ORDER

1. The attached Stipulation is accepted.
2. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 90401-30) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall, at her own expense, undergo a fitness to practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit to practice.
  - b. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
  - c. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
  - d. Within fifteen (15) days of the completion of the evaluation, 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 Respondent suffers from any condition(s) that may interfere with her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
  - e. Respondent shall execute necessary documents authorizing the Division to obtain records of the evaluation, and to discuss Respondent and her case with the Evaluator. Respondent 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.
  - f. If the Evaluator determines that Respondent is not fit to practice or is fit for practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable

skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.

- g. If the Evaluator determines that Respondent is fit to practice or is fit to practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
  - i. Psychotherapy, at Respondent'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, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- h. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address listed in this Order.

3. Pursuant to the Compact, Respondent may not practice in another Compact State, other than Wisconsin, while her license is encumbered by any term or restriction of this Order.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$980.00.

5. Any petitions, request for approval of the fitness for practice evaluator, results from the fitness to practice evaluation, payments of costs (made payable to 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (No. 90401-30), 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.

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

WISCONSIN BOARD OF NURSING

By:  \_\_\_\_\_ Date 8/12/2021

A Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

RECEIVED

JUN 7 2007

DIV. LEGAL SERVICES & COMPLIANCE  
DEPT. SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

COLLEEN J. SULLIVAN, R.N.,  
RESPONDENT.

STIPULATION

ORDER 0007505

Division of Legal Services and Compliance Case No. 20 NUR 492

Colleen J. Sullivan, 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.

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.

Colleen J. Sullivan, R.N.  
Colleen J. Sullivan, R.N., Respondent  
Port Washington, WI 53074  
License No. 90401-30

3 June 2021  
Date

Carley J. Peich Kiesling  
Carley J. Peich Kiesling, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

06/08/2021  
Date