

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
MELANIE MITCHELL, R.N., :
RESPONDENT. : **ORDER 0007511**

Division of Legal Services and Compliance Case No. 21 NUR 082

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

Melanie Mitchell, R.N.
Madison, WI 53711

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. Respondent Melanie Mitchell, R.N., (Year of Birth 1987) is licensed in the state of Wisconsin as a registered nurse, having license number 188084-30, first issued on March 28, 2012, 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 Madison, Wisconsin 53711.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at government health agency located in Madison, Wisconsin (Agency).

3. In March 2020, Respondent was reassigned by the Agency to perform COVID-19 contact tracing.

4. The Agency's goal in conducting COVID-19 contact tracing was to prevent and control the spread of the disease and further deaths by gathering information from both people who tested positive for COVID-19 and their contacts. Persons who were contacted were given the proper isolation/quarantine guidance. The data obtained from contact tracing documentation was used to inform and shape public health orders issued by the Agency.

5. Respondent performed this work from home and her job duties included contacting patients and their contacts regarding COVID-19 exposure and related issues and documenting those contacts in the appropriate chart.

6. All patient information was stored electronically in a database called Wisconsin Electronic Disease Surveillance System (WEDSS). The WEDSS system keeps track of when someone accesses the database, when they exit the database, and their activity when logged into the database.

7. In January 2021, in response to concerns about Respondent's work performance, the Agency reviewed Respondent's work, including a review of WEDSS, Respondent's timesheets and cell phone records. The Agency's findings included, but were not limited to, the following:

- a. Between December 15 and December 30, 2020, Respondent documented in nine separate cases that she first attempted to contact the patient on dates prior to opening the chart in WEDSS. It would have been necessary to log into WEDSS and open the chart to obtain information needed to contact the patient.
- b. Between December 15 and December 30, 2020, Respondent opened five cases for the first time, closed those cases in less than 5 minutes, and documented "unable to reach," despite the fact that the charts contained contact information for each patient.

8. On January 12, 2021, a meeting was held with Respondent to discuss the Agency's findings regarding Respondent's work performance. Respondent was unable to provide any plausible explanation for the discrepancies listed above.

9. After the January 12 meeting, the Agency further reviewed Respondent's work during September through December 2020. The Agency's findings included, but were not limited to, the following:

- a. Between October 31 and December 2, 2020, Respondent documented in eleven separate cases that she first attempted to contact the patient on dates prior to opening the chart in WEDSS. It would have been necessary to log into WEDSS and open the chart to obtain information needed to contact the patient.
- b. More than half of the cases assigned to Respondent (56 out of 109) were charted as "unable to reach."

- c. Only 3 out of 109 of Respondent's assigned cases had any contacts documented in WEDSS.
- d. Fourteen cases assigned to Respondent had no attempts to contact documented in WEDSS.
- e. Twenty cases assigned to Respondent were opened in WEDSS for the first time three or more days after being assigned to Respondent.

10. A second meeting was scheduled for January 21, 2021, for the purpose of further discussing Respondent's work performance, including the additional findings by the Agency. Respondent resigned prior to that meeting.

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 falsified or inappropriately altered reports, patient documentation, agency records, or other health documents within the meaning of Wis. Admin. Code § N 7.03(5)(a).

3. By the conduct described in the Findings of Fact, Respondent intentionally made incorrect entries in a patient's medical record or other related documents within the meaning of Wis. Admin. Code § N 7.03(5)(b).

4. By the conduct described in the Findings of Fact, Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety within the meaning of Wis. Admin. Code § N 7.03(6)(c).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 188084-30), and her privilege to practice in Wisconsin pursuant to the Enhanced 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 and three (3) hours of education on the topic of documentation offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - 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 at the address stated below. 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 the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$925.00.
5. Any requests, petitions, 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. Should Respondent have a Wisconsin multistate license pursuant to the Compact, Respondent may not practice in any Compact state, other than Wisconsin, while Respondent's license is encumbered by any term(s) of this Order.

7. In the event Respondent violates any term of this Order, Respondent's license (license number 188084-30), 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 of Nursing

8/12/2021

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELANIE MITCHELL, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007511

Division of Legal Services and Compliance Case No. 21 NUR 082

Respondent Melanie Mitchell, 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. 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 Jason Gonzalez.

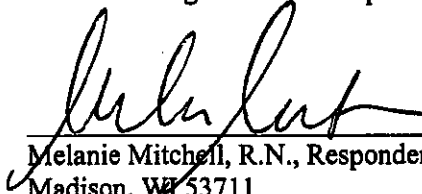
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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 or Respondent's attorney, 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.

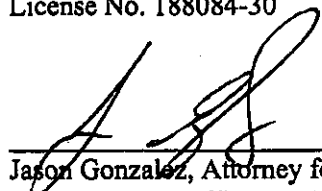
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.




Melanie Mitchell, R.N., Respondent
Madison, WI 53711
License No. 188084-30

08/03/2021
Date



Jason Gonzalez, Attorney for Respondent
Gonzalez Law Office, LLC
306 E. Wilson St.
Madison, WI 53703

08/03/2021
Date



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

08/06/2021
Date