

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
CAITLIN M. BEHNKE, R.N., :
RESPONDENT. : **ORDER 0007823**

Division of Legal Services and Compliance Case No. 20 NUR 456

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

Caitlin M. Behnke, R.N.
Chatsworth, CA 91311

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 Caitlin M. Behnke, R.N., (Year of Birth 1986) is licensed in the state of Wisconsin as a registered nurse, having license number 164748-30, first issued on July 23, 2008, 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 Chatsworth, California 91311.

2. Respondent is also licensed as a registered nurse in the state of California, having license number 95188533, first issued on March 5, 2019, and current through August 3, 2022.

Prior Discipline (DLSC Case no. 16 NUR 212)

3. On December 21, 2017, the Board issued Final Decision and Order no. 0005564, which suspended and placed limitations on Respondent's license including treatment with an approved AODA treater, and random drug testing (2017 Order).

4. On February 4, 2019, the Board stayed the suspension of Respondent's license contingent on her compliance with the limitations of the 2017 Order.

5. On May 28, 2020, the Board granted Respondent's request to reduce the frequency of drug screens and AA meetings required under the 2017 Order.

6. On September 9, 2020, the Board suspended Respondent's license based on a positive alcohol screen in violation of the 2017 Order.

7. On April 9, 2021, the Board again stayed the suspension of Respondent's license which has remained active since.

DLSC Case no. 20 NUR 456

8. On or about July 3, 2020, the Department received information from the California Board of Registered Nursing (California Board) that Respondent may have a personal relationship with her approved AODA treater and that Respondent may have submitted false information to the Wisconsin Board in order to modify the terms and conditions of her discipline. DLSC case no. 20 NUR 256 was opened to investigate the allegations.

9. The Department's investigation revealed the following:

- a. Respondent admitted on July 30, 2020, that she was in a personal relationship with her approved AODA treater (M.O.) with whom she lived and had a child and the relationship began prior to her AODA treatment with M.O.
- b. Respondent provided M.O.'s credentials to the Board on or around September 4, 2019, but failed to disclose her relationship with M.O. when requesting Board approval for M.O. to be her approved treater for purposes of the 2017 Order, and the Board subsequently approved M.O. as Respondent's AODA treater.
- c. M.O. submitted signed quarterly reports to the Board on September 19 and December 19, 2019, listing Respondent's treatment facility as Malibu Seaside Serenity Cove, but Respondent was never treated there.
- d. Respondent provided a letter from M.O. to the Board on March 3, 2020, in support of a petition to reduce urine screens and AA meetings, which was written on Malibu Seaside Serenity Cove letterhead and described Respondent as M.O.'s client. The Board granted Respondent's request.

10. On November 17, 2021, the California Board issued a Stipulated Settlement and Disciplinary Order (California Order) based in part on Respondent's conduct that led to the 2017 Order in Wisconsin, and in part on Respondent's submission of false information to the Wisconsin Board, as set forth above.

11. The California Order revoked Respondent's license, immediately stayed the revocation, and placed Respondent on probation for 35 months under terms and conditions including employment approval, supervision and reports; a mental health examination and physical examination; participation in a treatment program for chemical dependence of at least six months duration and to be completed within the first nine months of probation; participation in a Board-approved drug screening program; ongoing therapy/counseling program with written reports; completion of a pre-approved course(s) related to the practice of registered nursing no later than six months prior to the end of her probationary term; and payment of costs

12. 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 engaged in fraud, deceit, or material omission in obtaining a license or certification or in the renewal of the license or certification within the meaning of Wis. Admin. Code § N 7.03(5)(e).

3. By the conduct described in the Findings of Fact, Respondent submitted false information in the course of an investigation within the meaning of Wis. Admin. Code § N 7.03(5)(g).

4. By the conduct described in the Findings of Fact, violated any term, provision, or condition of any order of the board within the meaning of Wis. Admin. Code § N 7.03(1)(g).

5. By the conduct described in the Findings of Fact, Respondent had a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country within the meaning of Wis. Admin. Code § N 7.03(1)(b).

6. 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's license to practice nursing in the state of Wisconsin (license no. 164758-30) and her privilege to practice nursing in Wisconsin pursuant to the Enhanced Nurse

Licensure Compact is **SUSPENDED** until Respondent has successfully completed the education ordered in the California Order and referenced in paragraph 11 of the Findings of Fact above.

3. The aforementioned suspension shall be terminated upon Respondent providing proof sufficient to the Board, or its designee, that she has successfully completed the education ordered by the California Board and that the California Board has approved and accepted the education completed in satisfaction of the California Order.

4. The 2017 Order remains in effect and is not changed or affected by this current Order which is a separate and independent action by the Board.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,288.00.

6. 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
DPSMonitoring@wisconsin.gov


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

7. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

8. In the event Respondent violates any term of this Order, Respondent's license (164758-30), 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.

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

WISCONSIN BOARD OF NURSING

By: 

A Member of the Board of Nursing

2/10/2022

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CAITLIN M. BEHNKE, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007823

Division of Legal Services and Compliance Case No. 20 NUR 456

Respondent Caitlin M. Behnke, 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 Stacie H. Rosenzweig.


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.

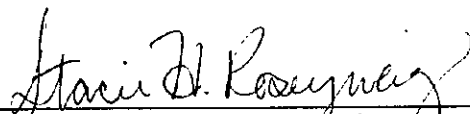
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Caitlin M. Behnke, R.N., Respondent
Chatsworth, CA 91311
License No. 164748-30

1/24/22
Date


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

01/24/2022
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

1/25/2022
Date