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Before the
State Of Wisconsin
Board of Nursing

In the Matter of the Disciplinary Proceedings
Against Leora R. Taylor-Sanderson, R.N.,
A.P.N.P., Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0007867**

Division of Legal Services and Compliance Case No. 21 NUR 173

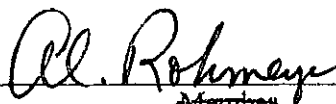
The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 25th day of February, 2022.


Member DSPA Chief Legal Counsel,
Delegate
Board of Nursing



**Before The
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of Disciplinary Proceedings Against
Leora R. Taylor-Sanderson, R.N., A.P.N.P.,
Respondent.

DHA Case No. SPS-21-0072
DLSC Case No. 21 NUR 173

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat. §§ 227.44, 227.47(1) and 227.53 are:

Leora R. Taylor-Sanderson, R.N., A.P.N.P.
3018 White Oak Lane
Eau Claire, WI 54703

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53707-8366

Department of Safety and Professional Services,
Division of Legal Services and Compliance, by:

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

PROCEDURAL HISTORY

On September 20, 2021, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division) served the Notice of Hearing and the Complaint in this matter on Leora R. Taylor-Sanderson, R.N., A.P.N.P. (Respondent), by sending a copy to her address on file with the Department via certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. The Respondent failed to file an answer to the Complaint as required. Wis. Admin. Code § SPS 2.09(4).

Following the expiration of the 20-day period to file an answer, Administrative Law Judge (ALJ) Angela Chaput Foy scheduled a telephone prehearing conference for October 27,

2021, at 10:00 a.m. Notice of this prehearing conference was sent to both parties. Attorney Gretchen Mrozinski appeared on behalf of the Division. The Respondent did not appear.

On October 27, 2021, the Division moved for default based on the Respondent's failure to file an answer to the Complaint and failure to appear for the prehearing conference, pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c).

On October 29, 2021, the ALJ issued a Notice of Default and Order against the Respondent and ordered the Division file a recommended proposed decision and order no later than November 29, 2021.

FINDINGS OF FACT

Facts Related to the Alleged Violations

Findings of Fact 1-13 are taken from the Division's Complaint filed against the Respondent in this matter.

1. Leora R. Taylor-Sanderson, R.N., A.P.N.P. (Respondent), (DOB: 03/28/1985) was licensed in the state of Wisconsin to practice as a registered nurse with multistate privileges pursuant to the Enhanced Nurse Licensure Compact (Compact), having license number 176232-30, first issued on January 26, 2011, and expired as of February 28, 2018.

2. Respondent was also certified in the state of Wisconsin to practice as an advanced practice nurse prescriber having certificate number 5661-33, first issued on January 31, 2014, and expired as of September 30, 2018.

3. To date, Respondent has not renewed the credentials detailed in paragraphs 1 and 2 above.

4. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her credentials upon payment of a fee during the five (5) years following expiration of the credential.

5. The most recent address on file with the Department for Respondent is 3018 White Oak Lane, Eau Claire, Wisconsin 54703.

6. At all times relevant to this proceeding, Respondent was also licensed to practice as a registered nurse and advanced practice nurse prescriber in the state of Nevada.

7. On February 10, 2021, the Nevada State Board of Nursing (Nevada Board) accepted the voluntary surrender of Respondent's nursing license in lieu of other disciplinary action (Nevada Board Order). Respondent had previously temporarily surrendered her Nevada nursing license on March 6, 2020, related to her addiction to alcohol. Per the February 10, 2021 Nevada Board Order, Respondent admitted that she was unable to comply with the treatment and reporting requirements, related to her addiction to alcohol, contained in the March 6, 2020 order, and that grounds existed for disciplinary action against Respondent.

8. Respondent failed to report the March 6, 2020 and February 10, 2021 Nevada Board orders to the Board.

9. On March 31, 2021, April 8, 2021, and July 7, 2021, the Division sent an email to Respondent at her email address on file with the Department requesting her response to the allegations contained in DLSC Case No. 21 NUR 173. Respondent failed to respond.

10. On April 16, 2021, the Division sent a letter to Respondent at her mailing address on file with the Department requesting her response to the allegations contained in DLSC Case No. 21 NUR 173. Respondent failed to respond.

11. On May 18, 2021, the Division sent a certified letter to Respondent at her mailing address on file with the Nevada Board requesting her response to the allegations in DLSC Case No. 21 NUR 173. Respondent failed to respond.

12. On June 18, 2021, a Division investigator left a voicemail message for Respondent at her telephone number on file with the Department requesting her response to the allegations in DLSC Case No. 21 NUR 173. Respondent failed to respond.

13. On July 7, 2021, the Division sent a certified letter to Respondent at a possible mailing address located on a public records website for Respondent requesting her response to the allegations contained in DLSC Case No. 21 NUR 173. Respondent failed to respond.

Facts Related to Default

14. On September 20, 2021, the Department served the Notice of Hearing and the Complaint on the Respondent at her address of record with the Department by both certified and regular mail, pursuant to Wis. Admin. Code § SPS 2.08 and Wis. Stat. § 440.11(2).

15. The Respondent failed to file an answer to the Complaint.

16. After the expiration of the 20-day period to file an answer, the ALJ scheduled a telephone prehearing conference for October 27, 2021. On October 12, 2021, the ALJ mailed notice of the prehearing conference to both parties by regular mail, using the Respondent's last known address, with instructions that the Respondent contact the ALJ with a telephone number at which she could be reached for the conference no later than October 26, 2021. The notice also stated that if the Respondent failed to appear at the scheduled conference, default judgment may be entered against her. On October 20, 2021, the U.S. Postal Service returned the notice to the ALJ marked, "Return to Sender, Not Deliverable as addressed, Unable to Forward."

17. The Respondent did not contact the ALJ and did not provide a telephone number.

18. On October 27, 2021, the Respondent failed to appear at the prehearing conference. Attorney Gretchen Mrozinski appeared on behalf of the Division. The Division provided the telephone number the Respondent had on record with the Department, and the ALJ called at approximately 10:01 a.m. and left a message but the line did not identify the number as

the Respondent's. The ALJ also attempted to contact the Respondent at approximately 10:07 a.m. via electronic mail at two addresses the Respondent had on file with the Division.

19. On October 27, 2021, the Division moved for default based on the Respondent's failure to answer the Complaint and failure to appear for the prehearing conference pursuant to Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3)(c).

20. On October 29, 2021, the ALJ issued a Notice of Default and Order against the Respondent and ordered that the Division file and serve a recommended proposed decision and order no later than November 29, 2021. On October 29, 2021, the ALJ mailed the notice and order to the Respondent at her last known address by regular mail. On November 22, 2021, the U.S. Postal Service returned the notice to the ALJ marked, "Return to Sender, Not Deliverable as addressed, Unable to Forward."

21. The Division timely filed its recommended proposed decision and order.

DISCUSSION AND CONCLUSIONS OF LAW

Jurisdictional Authority

The Wisconsin Board of Nursing (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 441.07(1c). The Department "may promulgate rules defining uniform procedures to be used by the department . . . and all examining boards and affiliated credentialing boards attached to the department or an examining board, for . . . conducting [disciplinary] hearings." Wis. Stat. § 440.03(1). These rules are codified in Chapter SPS 2 of the Wisconsin Administrative Code.

The Division of Hearings and Appeals has authority to issue this proposed decision and order pursuant to Wis. Stat. § 227.43(1m) and Wis. Admin. Code § SPS 2.10(2).

Default

The Division properly served the Notice and Complaint upon the Respondent by mailing a copy to her address of record with the Department. Service by mail is complete upon mailing. Wis. Admin. Code § SPS 2.08(1).

The Division of Hearings and Appeals properly served the Respondent with its notices pursuant to Wis. Admin. Code § HA 1.03 (The division may serve decisions, orders, notices, and other documents by first class mail.).

An answer to a complaint shall be filed within 20 days from the date of service of the complaint. Wis. Admin. Code § 2.09(4). If a respondent "fails to answer as required by s. SPS 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." Wis. Admin. Code § SPS 2.14.

For a telephone prehearing conference, the administrative law judge may find a failure to appear grounds for default if any of the following conditions exist for more than ten minutes after the scheduled time for prehearing conference: (1) the failure to provide a telephone number to the ALJ after it had been requested; (2) the failure to answer the telephone; (3) the failure to free the line for the proceeding; and (4) the failure to be ready to proceed with the prehearing conference as scheduled. Wis. Admin. Code § HA 1.07(3)(c).

Here, the Respondent failed to file an answer to the Complaint, failed to appear at the prehearing telephone conference on October 27, 2021, failed to provide a telephone number to the ALJ after it had been requested, failed to answer the telephone when the ALJ called, and failed to be ready to proceed with the prehearing conference as scheduled. Therefore, the Respondent is in default, and findings and an order may be entered based on the Complaint.

Violations

The Board has the authority to impose discipline against the Respondent. Wis. Stat. § 441.07. Following an investigation, if the Board determines that a nurse has committed “[o]ne or more violations of this subchapter or any rule adopted by the board under the authority of this subchapter,” or has committed “[m]isconduct or unprofessional conduct,” it may “revoke, limit, suspend or deny a renewal of a license of a registered nurse....” Wis. Stat. § 441.07(1g)(b) and (d), respectively.

Conduct that is grounds for the Department to take disciplinary action includes, but is not limited to:

- a. Noncompliance with federal, jurisdictional, or reporting requirements by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or otherwise disciplined in another state, territory, or country. Wis. Admin. Code § N 7.03(1)(b).
- b. After request of the Board, failing to cooperate in a timely manner, with the Board’s investigation of a complaint filed against a license holder. Wis. Admin. Code § N 7.03(1)(c).
- c. Failing to respond to a request for information to the Board or Department within 30 days. Wis. Stat. § 440.20(5)(a).
- d. Failing to report to the Board a violation of the rules of this chapter. Wis. Admin. Code § N 7.03(1)(i).

The Respondent violated Wis. Admin. Code § N 7.03(1)(b) when her license to practice nursing was denied, revoked, suspended, limited, or otherwise disciplined in another state. On February 10, 2021, the Nevada State Board of Nursing (Nevada Board) accepted the voluntary surrender of the Respondent’s nursing license in lieu of other disciplinary action (Nevada Board Order). The Respondent had previously temporarily surrendered her Nevada nursing license on March 6, 2020, related to her addiction to alcohol. Per the February 10, 2021 Nevada Board Order, the Respondent admitted that she was unable to comply with the treatment and reporting requirements related to her addiction to alcohol contained in the March 6, 2020 order, and that grounds existed for disciplinary action against the Respondent.

The Respondent violated Wis. Admin. Code § N 7.03(1)(c) and Wis. Stat. § 440.20(5)(a) by failing to cooperate in a timely manner with the Board's investigation, including failing to respond within 30 days to the Department's request for information in connection with an investigation of alleged misconduct. The Respondent has been non-responsive to the Division. The Division sent requests for information to the Respondent via her email address of record with the Department on three occasions in March, April, and July 2021. The Division mailed requests for information to the Respondent's address of record with the Department on three occasions in April, May, and July 2021. The Division telephoned the Respondent, using her telephone number of record with the Department, in June 2021. On July 7, 2021, the Division sent a certified letter to the Respondent at a mailing address for her located on a public records website. The Respondent failed to respond to all requests from the Division for information related to the case at hand. In addition, the Respondent failed to appear and participate in these proceedings.

Finally, the Respondent violated Wis. Admin. Code § N 7.03(1)(i) by failing to report to the Board a violation of the rules of this chapter. The Respondent failed to report the March 6, 2020 and February 10, 2021 Nevada Board orders to the Board. The Nevada Board orders issued to the Respondent constitute a violation of Wis. Admin. Code § N 7.03(1)(b).

By engaging in conduct qualifying as grounds for taking disciplinary action on her license, along with her failure to participate in these proceedings and make any argument to the contrary, the Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03.

Discipline

The Division recommends that the Respondent's license to practice as a registered nurse and certificate to practice as an advanced practice nurse prescriber (APNP) in Wisconsin, the Respondent's right to renew those credentials, and any privilege she may have to practice in Wisconsin pursuant to a multistate license, be revoked. Because the Respondent has been found in default for her failure to participate in any part of these proceedings, and because the recommended discipline is consistent with the purposes articulated in *Aldrich* and case law, I adopt the Division's recommendation.

The three purposes of discipline in a professional misconduct case are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209, 237 N.W.2d 689 (1976).

The recommended discipline is consistent with the purposes articulated in *Aldrich*. The uncontroverted allegations in the Complaint raise serious concerns. On February 10, 2021, the Respondent voluntarily surrendered her license to practice as a registered nurse and advanced practice nurse prescriber in the state of Nevada because of her addiction to alcohol and failure to comply with treatment and reporting stipulations to the Nevada Board. The Respondent also failed to inform the Division of the circumstances surrounding the Nevada Order. Finally, the

Respondent failed to cooperate in a timely manner with the Board's investigation in Division Case No. 21 NUR 173.

The recommended discipline protects the public and promotes the Respondent's rehabilitation. "Protection of the public is the purpose of requiring a license." *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, the Board is assuring the public that the licensed individual is competent in his or her profession. *Stringer v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the state cannot assure the public of the licensee's competence to practice the profession, then revocation is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984). In this case, the Respondent surrendered her Nevada license due to significant addiction issues and an admission that she could not comply with treatment or reporting requirements. She then failed to respond to multiple Division's requests for information. While the Respondent's credentials are currently expired, and to date, she has not renewed her credentials, absent an order, she would retain the right to renew. Revocation is the manner in which the Board can protect the public and encourage the Respondent's rehabilitation.¹

The recommended discipline also deters other nurses licensed in Wisconsin from engaging in similar conduct. It is imperative that Wisconsin nurses understand the authority of the Board, and their responsibility to comply with Wis. Stat. ch. 441 and Wis. Admin. Code ch. N 7. It is important that Wisconsin nurses understand that revocation of their license to practice nursing is a potential consequence of serious violations of applicable law. Thus, the recommended discipline will act as a deterrent to other nurses who engage in similar conduct.

The recommended discipline is consistent with Board precedent. *See In the Matter of the Disciplinary Proceedings Against Philip M. Lemon, Sr., L.P.N.*, Order No. 0007411 (June 10, 2021) (Nurse was unable to practice safely due to alcohol or substance use, nurse failed to respond to Division requests for information, and nurse failed to appear for hearing proceedings; nurse's license and right to renew such license revoked);² *See In the Matter of the Disciplinary Proceedings Against Jessica A. Lunde, R.N.*, Order No. 0007216 (February 11, 2021) (Right to renew license was revoked after nurse's MN license was suspended, nurse did not disclose suspension on application for licensure in Wisconsin, and nurse failed to respond to requests for information);³ *See In the Matter of Disciplinary Proceedings Against Laurel J. Lynch, R.N.*, Order No. 0006974 (September 10, 2020) (Nurse's license revoked after the Missouri Board of Nursing revoked nurse's privilege to practice for diverting narcotics and failing to cooperate with the investigation);⁴ *See In the Matter of Disciplinary Proceedings Against Carrie Pietrasik-Dewey, R.N.*, Order No. 0003362 (March 12, 2015) (Nurse's license was revoked after the Arizona Board of Nursing revoked nurse's license for possible impairment, illegal drug use,

¹ A revocation does not prevent Respondent from applying for reinstatement of her credentials to practice nursing. Wis. Admin. Code. § N 2.41 provides for possible reinstatement of a credential should Respondent demonstrate rehabilitation, among other requirements.

² <http://apps.dps.wi.gov/ICB/enforcement/orders/OrderViewDoc.aspx?orderID=17804>

³ <http://apps.dps.wi.gov/ICB/enforcement/orders/OrderViewDoc.aspx?orderID=17424>

⁴ <http://apps.dps.wi.gov/ICB/enforcement/orders/OrderViewDoc.aspx?orderID=16995>

substandard nursing practices, and failure to respond);⁵ *See In the Matter of Disciplinary Proceedings Against Lela M. Luepnitz, L.P.N.*, Order No. 0000769 (March 24, 2011) (Nurse's license revoked after the Michigan Board of Nursing suspended nurse's license for diverting controlled substances and similar allegations were made in Wisconsin but nurse failed to answer the complaint or appear in proceedings with the ALJ).⁶

Based upon the facts of this case, the factors set forth in *Aldrich*, and prior Board decisions, the discipline recommended by the Department is reasonable and warranted.

Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against the Respondent. *See Wis. Stat. § 440.22(2)*. In exercising such discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, Boards have considered the following factors when determining if all or part of the costs should be assessed against a respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) a respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a program revenue agency, funded by other licensees; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz*, LS0802183CHI (Aug. 14, 2008). It is within the Board's discretion as to which of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

Considering the above factors, it is appropriate for the Respondent to pay the full costs of the investigation and these proceedings. The Respondent defaulted and the factual allegations identified in the Complaint were deemed admitted. The Respondent's conduct involving impairment and addiction issues led to the loss of her Nevada license as she conceded that she could not comply with treatment requirements; the Respondent demonstrated continued noncompliance by failing to respond to multiple inquiries from the Division and failed to participate in these proceedings. Such conduct demonstrates disregard for the authority of the Board and disregard for her duties as a nurse.

The Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. It would be unfair to impose the costs of pursuing discipline in this proceeding on those licensees who have not engaged in misconduct. Therefore, it is appropriate for the Respondent to pay the full costs of the investigation and this proceeding, as determined pursuant to Wis. Admin. Code § SPS 2.18.

⁵ <http://apps.dps.wi.gov/ICE/enforcement/orders/OrderViewDoc.aspx?orderID=10967>

⁶ <http://apps.dps.wi.gov/ICE/enforcement/orders/OrderViewDoc.aspx?orderID=5859>

ORDER

For the reasons set forth above, IT IS ORDERED that the registered nurse license (license no. 176232-30) and advanced practice nurse prescriber certificate (certificate no. 5661-33) of the Respondent, the right to renew such license and certificate, and any privilege the Respondent may have to practice in Wisconsin pursuant to a multistate license are REVOKED, effective on the date the final decision is signed by the Board.

IT IS FURTHER ORDERED that the Respondent shall pay all recoverable costs in this matter in an amount to be established pursuant to Wis. Admin. Code. § SPS 2.18.

Dated at Madison, Wisconsin, on December 14, 2021.

STATE OF WISCONSIN
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By: _____

Angela Chaput Foy

Administrative Law Judge