

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
DENISE R. SYDLEWSKI, R.N. :
RESPONDENT. : **ORDER 0007887**

Division of Legal Services and Compliance Case No. 21 NUR 076

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

Denise R. Sydlewski, R.N.
Big Bend, WI 53103-0074

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. Denise R. Sydlewski, R.N. (Respondent), (Year of Birth 1971) is licensed in the state of Wisconsin as a registered nurse, having license number 134753-30, first issued on April 17, 2000 and current through February 28, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is, Big Bend, Wisconsin 53103-0074.

2. At all times relevant to this matter, Respondent was employed as a registered nurse at a nursing home in Waukesha, Wisconsin (Facility).

3. On January 26, 2021, between 12:30 p.m. and 1:00 p.m. a nurse (Nurse A) working across the hall from Respondent heard a crashing sound. Nurse A went into the hall and saw that

Respondent had knocked items off of her cart and had a medication cup at her mouth. Moments later, Nurse A re-emerged into the hallway and saw Respondent in front of a different room, again with items from her cart knocked onto the floor and with a medication cup at her mouth. Nurse A noticed medication on the floor in the area where Respondent had previously been. Nurse A reported what she observed about Respondent to the Interim Director of Nursing (DON).

4. The Facility ordered Respondent take a drug screen test and conducted an investigation. During the investigation, Respondent denied taking any medication that morning, but admitted to taking a narcotic (Percocet) on January 25, 2021, at 6:00 p.m. which was prescribed by her primary physician for back pain. Additionally, Respondent provided the following statements:

- Respondent admitted that on January 25 and January 26, 2021, she was experiencing so much back pain that she should not have gone to work. Due to her attendance history, Respondent did not feel she had an option to “call in.”
- Respondent did not take her medication on the morning of January 26, 2021, causing her to experience immense pain during her shift and subsequently “fall behind” in her work.
- It was not unusual for Respondent to place medications in the top drawer of the med cart, as she has been instructed to do so in the past when residents decline medications, and to try offering them again up to three (3) times to the resident before documenting them as “declined.”

5. The Facility also interviewed several residents regarding Respondent. Multiple residents reported that on January 26, 2021, Respondent appeared as if she was “on drugs,” confused two residents who were roommates, gave a resident cough syrup for her bladder, and applied topical gel (Voltaren) to her own hands when a resident declined needing the medication at that time and, when questioned by the resident, stated it was okay because she was “going to throw it out”.

6. On February 6, 2021, the results of Respondent’s drug screen test were positive for opiates and morphine. The Facility had determined the count for Respondent’s medication pass on January 26, 2021, was short one (1) oxycodone tablet. Respondent had valid prescriptions for oxycodone with acetaminophen, zolpidem tartrate, morphine sulfate, and clonazepam.

7. Respondent was terminated from the Facility.

8. 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 practiced nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications within the meaning of Wis. Admin. Code § N 7.03(6)(e).

3. By the conduct described in the Findings of Fact, Respondent was unable to practice safely by reason of physical illness or impairment within the meaning of Wis. Admin. Code § N 7.03(6)(h).

4. 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. The license issued to Respondent (license number. 134753-30) to practice nursing in the state of Wisconsin and her privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact (Compact), are **SUSPENDED** indefinitely.

3. After thirty (30) days, Respondent may petition for termination of the suspension, after showing compliance with the terms and conditions in paragraphs 4. and 5. below. Whether or not to terminate the suspension is solely within the discretion of the Board or its designee,

4. Respondent shall, at her own expense, undergo a fitness to practice evaluation to determine Respondent's ability to safely practice nursing, in light of her physical condition and medication regimen, with a pre-approved Independent Medical Examiner (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit to practice:

- a. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.
- b. 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.
- c. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the evaluation 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.

- d. 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.
- e. 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.
- f. 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.
- g. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address listed in this Order.

5. Respondent shall, at her own expense, undergo an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments:

- a. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
- b. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy

of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.

- 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. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
- e. Respondent shall comply with the evaluator's recommendations.
- f. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,018.00.

7. 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://dpsmonitoring.wi.gov>

8. Should Respondent have a Wisconsin multistate license pursuant to the Enhanced Nurse Licensure Compact (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.

9. In the event Respondent violates any term of this Order, Respondent's license (134753-30), 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.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board of Nursing

3/10/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DENISE R. SYDLEWSKI, R.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007887

Division of Legal Services and Compliance Case No. 21 NUR 076

Denise R. Sydlewski, 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

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 any member of the Board 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.

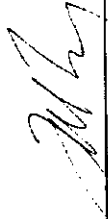
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Denise R. Sydlewski, R.N., Respondent
Big Bend, WI 53103-0074
License No. 134753-30

2/16/2022

Date



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

2/16/22

Date