

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
SUSAN E. BARBEE, L.P.N., :
RESPONDENT. : **ORDER 0008087**

Division of Legal Services and Compliance Case No. 21 NUR 141

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

Susan E. Barbee, L.P.N.
Darlington, WI 53530

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. Susan E. Barbee, L.P.N. (Respondent), (Year of Birth 1961) is licensed in the state of Wisconsin as a licensed practical nurse, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 317632-31, first issued on November 7, 2013 and current through April 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Darlington, Wisconsin 53530.

2. At all times relevant to this proceeding, Respondent was employed as a licensed practical nurse at nursing home in Darlington, Wisconsin. (Facility).

3. On January 6, 2021, the Facility's Interim Director of Nursing (DON) was informed that two prednisone 20mg tablets were missing from the contingency box. The DON investigated and found that there was no order for such a dosage of prednisone for any resident of the facility.

4. On January 21, 2021 and January 27, 2021, the DON was informed of missing prednisone tablets. There were no prednisone orders for any resident of the facility.

5. On February 10, 2021, a video camera was installed in the medication room to monitor the contingency box.

6. On February 17, 2021, two prednisone 20mg tablets were missing from the contingency box. There were no prednisone orders for any resident at the facility.

7. On February 26, 2021, the DON completed a count of the contingency box. Two prednisone 20mg tablets were missing. A review of video surveillance footage from the medication room showed that Respondent had accessed the contingency box and placed two tablets in her pocket.

8. On March 1, 2021, Facility staff and a police officer interviewed Respondent and she admitted to taking the two prednisone 20mg tablets on February 26, 2021, but initially denied taking any other medication. After further questioning, Respondent stated, "I took the medication, but it wasn't for myself, it was poor judgment on my part." She was immediately terminated from her position.

9. Respondent was charged with one count of Possess/Illegally Obtained Prescription, a misdemeanor in violation of Wis. Stat. § 450.11(7)(h), and one count of Theft-Movable Property <\$2500, a misdemeanor in violation of Wis. Stat. § 943.20(1)(a) in Lafayette County Circuit Court Case No. 2021CM000033.

10. On September 28, 2021, Respondent plead no contest and was convicted of both charges.

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 was convicted of a crime substantially related to the practice of nursing within the meaning of Wis. Admin. Code § N 7.03(2).

3. By the conduct described in the Findings of Fact, Respondent obtained, possessed, or attempted to obtain or possess a drug without lawful authority within the meaning of Wis. Admin. Code § N 7.03(8)(e).

4. 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. 317632-31) and her privilege to practice nursing in Wisconsin pursuant to the Nurse Licensure Compact is SUSPENDED for a period of six (6) months, effective the date of this Order.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$584.00.
4. 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>.

5. 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.
6. In the event Respondent violates any term of this Order, Respondent's license (317632-31), 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: Robert Weirman TW-CCHP
A Member of the Board of Nursing

8/11/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN E. BARBEE, L.P.N.,
RESPONDENT.

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:
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:
:

STIPULATION

ORDER 0008087

Division of Legal Services and Compliance Case No. 21 NUR 141

Susan E. Barbee, L.P.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

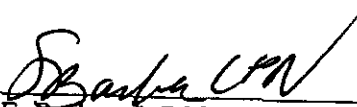
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Susan E. Barbee, L.P.N., Respondent
Darlington, WI 53530
License No. 317632-31

6/10/2022
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

6/16/2022
Date