

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
PAIGE J. O'CONNOR, R.N., :
RESPONDENT. :

ORDER 0008089

Division of Legal Services and Compliance Case No. 20 NUR 174

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

Paige J. O'Connor, R.N.
Milwaukee, WI 53203

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. Paige J. O'Connor, R.N. (Respondent), (Year of Birth 1971) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 168796-30, first issued on July 2, 2009, and current through February 28, 2022.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53203.

¹ Respondent has submitted an application for renewal of her license, but the renewal is pending the outcome of this case. Respondent's license remains active pending action by the Board pursuant to Wis. Stat. § 227.51(2).

2. At all times relevant to this proceeding, Respondent worked as a Medicaid certified private duty independent/in-home nurse in Wisconsin.

3. By letter dated March 17, 2020, the Department received a Wisconsin Department of Health Services (DHS) Office of Inspector General (OIG) referral alleging that Respondent engaged in fraudulent billing while working as a private duty nurse by billing for nursing services that were not provided.

4. Respondent provided in-home private duty nurse care to a ventilator dependent three-year-old male patient (Patient A) that required skilled nursing care. Respondent stated that she provided care to Patient A for 12 hours per day and 60 hours per week, with off-duty rest hours as required.

5. Between March 30, 2019, and October 9, 2019, Respondent's nursing notes indicated she provided nursing services to Patient A for a total of 717 hours. For that same period, Respondent submitted billing records to the DHS, seeking payment, for 1,476 hours of service.

6. On November 9, 2020, a criminal complaint was filed against Respondent in Dane County Circuit Court Case No. 2020CF2872, that charged Respondent with one count of Theft-False Representation >\$10,000-\$100,000, a class G felony in violation of Wis. Stat. § 943.20(1)(d); and one count of MA-Fraud/Benefit Application, a class H felony in violation of Wis. Stat. § 946.91(2)(a).

7. Per the criminal complaint, Patient A's records including Medicaid and BadgerCare Plus Claims History Reports, Prior Authorization Care Plans, Medication Records, Procedure Sheets, Suction Flow Sheets, and a complete set of records from DHS were compared against DHS billing records. This review indicated that Respondent billed for approximately \$28,687.50 of services that she had not rendered.

8. On March 8, 2022, Respondent pled guilty and was convicted in Dane County Circuit Court Case No. 2020CF2872, of one count of MA-Fraud/Benefit Application, a class H felony in violation of Wis. Stat. § 946.91(2)(a).

9. 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 abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state laws within the meaning of Wis. Admin. Code § N 7.03(5)(c).

3. 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).

4. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license should the nurse incur a disqualifying event after the effective date of the Compact pursuant to Wis. Stat. § 441.51(3)(g). The effective date of the Compact is July 20, 2017.

5. Being convicted of a felony offense is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)7.

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 multistate license is deactivated and will not be renewed; Respondent retains the right to renew a Wisconsin single-state registered nurse license, subject to the terms below.

3. Respondent's license to practice as a registered nurse (license number 168796-30), right to apply for renewal of such license, and privilege to practice in Wisconsin pursuant to the Compact are **SUSPENDED** for ninety (90) days from the date of this Order. This suspension is immediately **STAYED**.

a. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in violation of any provision of this order. The Board or its designee may, in conjunction with any removal of the stay, prohibit Respondent for a specified period of time from seeking a reinstatement of the stay.

b. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:

i. Mailing to Respondent's last-known address provided to the Department pursuant to Wis. Stat. § 440.11; or,

ii. Actual notice to Respondent or Respondent's attorney.

c. The Board or its designee may reinstate the stay, if provided with sufficient information for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

4. Respondent's license to practice as a registered nurse (license number 168796-30), right to apply for renewal of such license, and privilege to practice in Wisconsin pursuant to the Compact, are **LIMITED** as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of

professional ethics, 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.

5. Respondent's license to practice as a registered nurse (license number 168796-30), and her privilege to practice in Wisconsin pursuant to the Compact are further LIMITED as follows:

- a. For a period of at least two (2) years from the date of this Order:
 - i. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional, approved by the Board or its designee, who has received a copy of this Order.
 - ii. Respondent may not work as a nurse in the following settings: home health care, hospice, pool nursing, private nursing, assisted living, agency, skilled nursing facilities, or in a correctional setting.
 - iii. Respondent may practice in her current position at Ovation Jewish Home. Within fourteen (14) days from the date of this Order, including any subsequent order modifying this original Order, Respondent shall provide the Department Monitor with written acknowledgment from the employer that a copy of this Order, and any subsequent order modifying this original Order, have been received and that the restrictions will be accommodated.
 - iv. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his or her supervisor at each setting in which Respondent practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates less than satisfactory performance, the Board may institute

appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.

- v. Respondent shall report to the Board any change of employment status, residence, mailing address, email address, or telephone number within five (5) days of the date of a change. This report shall not be considered formal change of address notification pursuant to Wis. Stat. § 440.11.
- vi. After two (2) years from the date of this Order, Respondent may petition the Board to have this limitation removed from Respondent's license.

6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$752.00.

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. Respondent may not practice in Wisconsin under any multistate license issued by a Compact state other than Wisconsin during the pendency of this Order.

9. In the event Respondent violates any term of this Order, Respondent's license (number 168796-30), 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: Robert Weirman, RN-CCNP
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

PAIGE J. O'CONNOR, R.N.,
RESPONDENT.

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STIPULATION
ORDER 0008089

Division of Legal Services and Compliance Case No. 20 NUR 174

Paige J. O'Connor, 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. Respondent is represented by Attorney Stacie 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 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. 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.



Paige J. O'Connor, R.N., Respondent
Milwaukee, WI 53203
License No. 168796-30

7/5/22

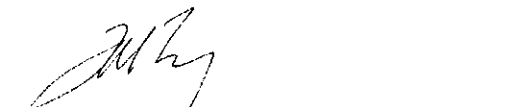
Date



Stacie Rosenzweig, Attorney for Respondent
Halling & Cayo, SC
320 E. Buffalo St., Ste 700
Milwaukee, WI 53202

7/6/2022

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

7/6/2022

Date