

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

| | | |
|---------------------------------|---|--------------------------|
| IN THE MATTER OF THE LICENSE OF | : | |
| | : | FINAL DECISION AND ORDER |
| | : | FOR REMEDIAL EDUCATION |
| SUSAN E. ZIEBERT, L.P.N., | : | |
| LICENSEE. | : | |

ORDER 0008104

Division of Legal Services and Compliance Case No. 22 NUR 113

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

Susan E. Ziebert, L.P.N.
Fond du Lac, WI 54937

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 Wisconsin 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. Ziebert, L.P.N. (Licensee), (Year of Birth 1960) is licensed in the state of Wisconsin as a licensed practical nurse with multi-state practice privileges pursuant to the Nurse Licensure Compact (Compact), having license number 26086-31, first issued on May 26, 1983 and current through April 30, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fond du Lac, Wisconsin 54937.
2. At all times relevant to this proceeding, Licensee worked as a licensed practical nurse at a nursing home located in Fond du Lac, Wisconsin (Facility).
3. On February 7, 2022, Licensee allegedly shut Resident A's door and prevented him from leaving in an attempt to calm him down during an aggressive episode.

4. On February 10, 2022, the Facility's Director of Nursing, Nursing Home Administrator, and Director of Social Services spoke with Licensee. During the interview, they noted that Licensee stated the following:

- a. Resident A displayed intermittent aggressiveness throughout her shift from anxiety, restlessness, and physically being upset.
- b. Licensee had difficulty administering Resident A his medications.
- c. Resident A attempted to hit Licensee in the chest.
- d. Licensee stood outside of Resident A's room for 10-15 minutes, but only held the door for less than a minute.
- e. Resident A did not attempt to exit the room while she was holding/standing outside his door.
- f. Licensee opened the door a number of times to ensure Resident A was safe.
- g. Licensee decided to hold the door while he was acting aggressively to prevent him from harming somebody.

5. On February 10, 2022, Licensee's employment was terminated.

6. The misconduct report stated that Resident A appeared uninjured, unharmed, and was shortly thereafter out of his room moving freely about. The report also stated that no other residents reported concerns with, or fears of, Licensee.

CONCLUSIONS OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Licensee shall at her own expense take and successfully complete four (4) hours of education on the topic of restraining patients as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee 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 and may not be used in any future attempt to upgrade a credential.

- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

3. Requests for course approval and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

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

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

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

WISCONSIN BOARD OF NURSING

By: Robert Weinman, RN-CCNP
A Member of the Board

8/11/2022
Date

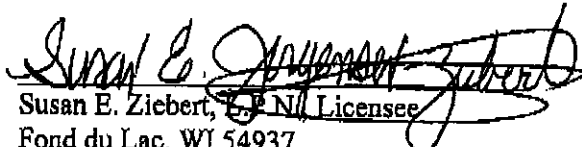
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 Licensee or Licensee'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 for Remedial Education.

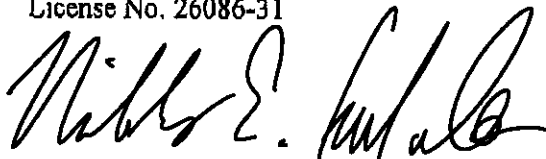
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Susan E. Ziebert, Licensee
Fond du Lac, WI 54937
License No. 26086-31

7-20-22
Date


Nicholas Fairweather, Attorney for Licensee
Hawks Quindel, SC
PO Box 2155
Madison, WI 53701

7/26/22
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

7/26/2022
Date