

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
NANCY K. SILVERBERG, L.P.N., :
RESPONDENT. : **ORDER 0008464**

Division of Legal Services and Compliance Case No. 22 NUR 098

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

Nancy K. Silverberg, L.P.N.
Neillsville, WI 54456

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. Nancy K. Silverberg, L.P.N. (Respondent), (Year of Birth 1962) is licensed in the state of Wisconsin as a licensed practical nurse, having license number 319774-31, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on July 24, 2015, and current through April 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Neillsville, Wisconsin 54456.

2. From September 1, 2021, through November 17, 2021, Respondent worked as a licensed practical nurse at an assisted care living center located in Black River Falls, Wisconsin (Facility).

3. Approximately one month after Respondent began working for the Facility, a resident with one or more physical disabilities, received his eviction notice from the Facility which eviction was scheduled to occur approximately one month later. Respondent provided nursing care to the resident during the entire term of her employment with the Facility. Respondent and the resident developed a personal friendship during the time that Respondent worked at the Facility.

4. During the resident's last month at the Facility, and while Respondent was working at the Facility, the resident showed Respondent his eviction notice from the Facility and asked Respondent to take him home with her following his eviction. Respondent and the resident began making plans for the resident to move into Respondent's home immediately following his eviction from the Facility where Respondent intended to care for the resident in exchange for compensation.

5. The Facility received several complaints concerning Respondent's relationship with the resident. Several witnesses advised the Facility that when Respondent was actively working at the Facility and the resident was housed at the Facility that the following occurred:

- a. Respondent referred to the resident as "honey."
- b. Respondent provided extra attention and cares to Respondent as compared to other residents.
- c. Respondent commented that it was a "win-win" situation for Respondent and the resident to live together.
- d. Respondent commented that she would be paid \$3000 per month to take care of the resident at her home.
- e. Respondent commented that the resident was in love with Respondent.
- f. Respondent commented that the resident and Respondent has kissed.
- g. Respondent measured the resident's wheelchair to ensure that it would fit in/at her house.
- h. Respondent accessed the resident's patient chart at the Facility to determine what activities he performs in preparation for taking the resident home with her.

6. During the Division of Legal Service and Compliance's (Division) investigation, Respondent denied any romantic relationship with the resident. Respondent confirmed that she was paid to take care of the resident when he was living in her home. The resident confirmed to the Division that nothing romantic had occurred between Respondent and the resident. The resident, although physically disabled, was responsible for his own decision making including the decision to live with Respondent.

7. When the resident's eviction from the Facility occurred, Respondent quit her job with the Facility in order to provide care to the resident at her home. The care provided by Respondent was general care that did not require a nursing credential. The resident passed away on February 19, 2023.

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, paragraphs 3 through 5, Respondent failed to establish, maintain, or communicate professional boundaries with a patient within the meaning of Wis. Admin. Code § N 7.03(4)(e)1.a.

3. By the conduct described in the Findings of Fact, paragraphs 3 through 5, Respondent engaged in a relationship with a patient that could impair the nurse's professional judgment within the meaning of Wis. Admin. Code § N 7.03(4)(e)1.b.

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 as a licensed practical nurse in the state of Wisconsin (license number 319774-31), her right to renew such license, and her privilege to practice in Wisconsin pursuant to the Compact, are **SUSPENDED** for 14 days from the date of this Order.

3. Respondent's license to practice as a licensed practical nurse (license number 319774-31), her right to renew such license, and her 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 three (3) hours of education on ethics, and three (3) hours of education on the topic of boundaries offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. Respondent shall also complete one (1) hour of education on the Wisconsin Nurse Practice Act offered by the NCSBN.
- 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.

4. Within six (6) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$850.00.

5. 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://dspsmonitoring.wi.gov>.

6. 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.

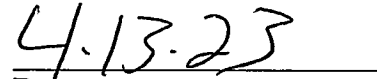
7. In the event Respondent violates any term of this Order, Respondent's license to practice as a licensed practical nurse (number 319774-31) in the state of Wisconsin, or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice 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.

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

WISCONSIN BOARD OF NURSING

By:


A Member of the Board of Nursing


Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NANCY K. SILVERBERG, L.P.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008464

Division of Legal Services and Compliance Case No. 22 NUR 098

Nancy K. Silverberg, 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.



Nancy K. Silverberg, L.P.N., Respondent
Neillsville, WI 54456
License No. 319774-31

3-24-2023
Date



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

3/28/2023
Date