

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
ANN M. KOHLBECK, R.N., :
RESPONDENT. :

ORDER 0008542

Division of Legal Services and Compliance Case No. 22 NUR 391

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

Ann M. Kohlbeck, R.N.
Green Bay, WI 54304

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. Respondent Ann M. Kohlbeck, R.N., (Year of Birth 1962) is licensed in the state of Wisconsin as a registered nurse, having license number 109228-30, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), first issued on March 20, 1992, and current through February 29, 2024.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Green Bay, Wisconsin 54304.

¹ Respondent is also licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 13099-146, first issued on September 16, 2014, and set to expire February 28, 2023. Respondent applied to renew this license on February 28, 2023, and that renewal is currently under legal review by Credentialing; therefore, Respondent's license remains active pending that review.

2. On December 14, 2021, Respondent was charged with one (1) count of Operating a Motor Vehicle While Under the Influence – 2nd offense, a misdemeanor in violation of Wis. Stat. § 346.63(1)(a), and one (1) count of Operating with Prohibited Alcohol Concentration – 2nd Offense, a misdemeanor in violation of Wis. Stat. § 346.63(1)(b), in Brown County Circuit Court case no. 2021CT001298.

3. The incident underlying those charges occurred on October 1, 2021, when Respondent was pulled over for driving under the influence and her blood alcohol level was .204 g/100 mL.

4. On November 17, 2021, Respondent was issued a Driver Safety Plan Order which recommended, in part, that Respondent attend an outpatient treatment program. Respondent started outpatient treatment on November 22, 2021, at which time she completed an AODA assessment with a primary diagnosis of alcohol dependence. Respondent was discharged from outpatient treatment on May 9, 2022.

5. On February 23, 2022, Respondent applied to renew her registered nurse license and did not report her pending charges as required.

6. On March 9, 2022, Respondent was convicted of one (1) count of Operating a Motor Vehicle While Under the Influence – 2nd Offense, a misdemeanor in violation of Wis. Stat. § 346.63(1)(a), in Brown County Circuit Court case no. 2021CT001298. Respondent reported her conviction to the Department on March 11, 2022.

7. Respondent was previously convicted of Operating While Intoxicated – 1st Offense on January 13, 2017, based on an incident that occurred on November 21, 2016. After that conviction, Respondent received inpatient and outpatient AODA treatment from May 1, 2017, to August 6, 2018. Respondent reported a history of alcohol abuse and previous intensive outpatient therapy in 2010 and 2015-2016. Respondent's diagnoses upon admission on May 1, 2017, included alcohol use disorder-severe, and sedative use disorder-severe. Respondent's diagnoses upon discharge on August 6, 2018, included alcohol use disorder-moderate.

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 committed fraud, deceit, or material omission in obtaining a license or certification or in the renewal or the license or certification within the meaning of Wis. Admin. Code § N 7.03(5)(e).

3. By the conduct described in the Findings of Fact, Respondent is unable to practice safely by reason of alcohol or other substance use, within the meaning of Wis. Admin. Code § N 7.03(6)(f).

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. Respondent is REPRIMANDED.
3. Within sixty (60) days from the date of this Order, Respondent shall, at her own expense, undergo an AODA assessment with an evaluator pre-approved by the Board of Nursing 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.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$871.00.

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 (number 109228-30), 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.

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board of Nursing

5/11/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANN M. KOHLBECK, R.N.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008542

Division of Legal Services and Compliance Case No. 22 NUR 391

Respondent Ann M. Kohlbeck, R.N., 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.

Ann M. Kohlbeck, R.N., Respondent
Green Bay, WI 54304
License No. 109228-30

Date

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

Date


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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 recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Ann M. Kohlbeck, R.N., Respondent
Green Bay, WI 54304
License No: 109228-30

5-3-23
Date


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

05/03/2023

Date