

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELLY A. CASTILLO, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER0008859

Division of Legal Services and Compliance Case No. 23 NUR 265

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

Kelly A. Castillo, R.N.
Hartland, WI 53029

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. Kelly A. Castillo, R.N. (Respondent), (Year of Birth 1979) is licensed in the state of Wisconsin as a registered nursing, having license number 227032-30, first issued on February 4, 2016 and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Hartland, Wisconsin 53029.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse, at a hospital and rehabilitation center, located in Waterford, Wisconsin (Facility).

3. In July 2022, two nurses at the Facility confirmed Respondent medicated their patients and failed to document it. The first instance was reported on July 27, 2022, and confirmed

by another nurse on July 28, 2022. On July 29, 2022, Respondent again dosed a colleague's patient with Oxycontin without telling her or documenting it. The second patient and her daughter both denied the patient received pain medication from Respondent. During an interview with administrators, Respondent claimed she was trying to help because staff were very busy.

4. The Facility determined that in July 2022 on approximately 105 occasions, Respondent had accessed the ADS and obtained controlled substances by overriding the system controls that prevented doses from being dispensed too soon. Respondent diverted 175 Oxycodone 5mg tablets, 4 Oxycodone/APAP 10-325mg tablets, 4 Oxycodone 10mg tablets, and 14 Hydromorphone 2mg tablets.

5. On July 29, 2022, Respondent underwent a urine drug screen and tested positive for opiates (Oxycodone and Oxymorphone), marijuana, and amphetamines. Respondent did not have a physician's prescription order for opiates.

6. On November 4, 2022, Respondent admitted to the DEA and the Racine County Sheriff's Office (RCSO) investigator that she had diverted and used controlled substances as a way to deal with personal trauma, that she was in a treatment program, and that she had stopped using marijuana and controlled substances.

7. On November 28, 2022, Respondent was terminated from her position at the Facility.

8. On February 7, 2023, Respondent, was charged with one count of Theft of Movable Property <=\$2500, a misdemeanor, in violation of Wis. Stat. § 943.20(1)(a); one count of Possession of Narcotic Drugs, a felony, in violation of Wis. Stat. § 961.41(3g)(am); and one count of Obtaining Prescription Drug w/ Fraud, a misdemeanor, in violation of Wis. Stat. § 450.11(7)(a) in Racine County Circuit Court Case No. 23CF199.

9. On September 1, 2023, Respondent pleaded guilty to one count of Possession of Narcotic Drugs, a felony, in violation of Wis. Stat. § 961.41(3g)(am). The criminal count for Theft of Movable Property <=\$2500, a misdemeanor, in violation of Wis. Stat. § 943.20(1)(a) and the count of Obtaining Prescription Drug w/ Fraud, a misdemeanor, in violation of Wis. Stat. § 450.11(7)(a) were dismissed as part of a plea agreement. The judgment of conviction was entered on September 6, 2023.

10. On May 19, 2023, and June 22, 2023, the Department sent an e-mail to Respondent at the email address on file with the Department and requested a response to the complaint. No response was received.

11. On July 10, 2023, the Department sent a request letter to Respondent's address on file via certified mail. The letter was delivered on July 13, 2023. Respondent signed the certified mail receipt but did not respond to the request.

12. 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 failed to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder within the meaning of Wis. Admin. Code § N 7.03(1)(c).

3. By the conduct described in the Findings of Fact, Respondent violated a law substantially related to the practice of nursing within the meaning of Wis. Admin. Code § N 7.03(2).

4. By the conduct described in the Findings of Fact, Respondent practiced nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications within the meaning of Wis. Admin. Code § N 7.03(6)(e).

5. 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).

6. By the conduct described in the Findings of Fact, Respondent dispensed a drug other than in the course of legitimate practice or as otherwise prohibited by law within the meaning of Wis. Admin. Code § N 7.03(8)(b).

7. 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).

8. 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. The VOLUNTARY SURRENDER by Respondent of her license to practice as a registered nurse in the state of Wisconsin (license no. 227032-30), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,384.00 before any petition or application for a credential will be considered by the applicable board or Department.

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
DPSMonitoring@wisconsin.gov

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

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

Date 11/9/23

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

RECEIVED
DIVISION OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELLY A. CASTILLO, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008859

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Division of Legal Services and Compliance Case No. 23 NUR 265

Kelly A. Castillo, 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.

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.

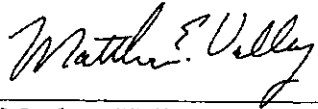
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Kelly A. Castillo, R.N., Respondent
Hartland, WI 53029
License No. 227032-30



Date



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

10/31/2023

Date