

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
CHERYL SMOKOWICZ SALCEDA, R.N., :
RESPONDENT. : ORDER0008924

Division of Legal Services and Compliance Case No. 21 NUR 439

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

Cheryl Smokowicz Salceda, R.N.,
Nashotah, WI 53058

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. Respondent Cheryl Smokowicz Salceda, R.N., (Year of Birth 1967) is licensed in the state of Wisconsin as a registered nurse with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 105517-30, first issued on September 9, 1990, 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 Nashotah, Wisconsin 53058.

PRIOR BOARD ACTION

2. On February 13, 2014, the Board issued a Final Decision and Order, Order No. 0003025, reprimanding Respondent and imposing a limitation requiring her to undergo two years

of workplace monitoring, complete six (6) hours of education in ethics, six (6) hours of education in professional accountability for nurses, and three (3) hours of education in recordkeeping. The Order included the following Findings of Fact, *inter alia*:

- a. Respondent was employed as an in-home registered nurse for a healthcare provider in Milwaukee, Wisconsin.
- b. Respondent submitted records to her supervisor for Patient A for May 19, 20, 21, and 22, 2010, including a full assessment of Patient A and her signature.
- c. On May 27, 2010, Patient A's caregiver informed Respondent's supervisor that Patient A had been admitted to the hospital on May 19, 2010, and remained there during the period Respondent claimed she assessed Patient A.
- d. After reviewing Patient A's records, it was determined Respondent submitted falsified records and forged Patient A's signature.

3. On March 18, 2016, Respondent's license was reinstated to full, unrestricted status after completing a two-year period of workplace monitoring and the Board-ordered education.

CURRENT CASE

4. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital, located in West Allis, Wisconsin (Hospital).

5. In June 2021, the Hospital commenced an investigation of Respondent's documentation of patient detox assessments due to concerns that Respondent had falsified assessments charted during Respondent's shift on June 15, 2021.

6. On June 28, 2021, Respondent met with Hospital management regarding the investigation and confirmed that three patients' documented detox assessments from June 15, 2021 were not in fact completed.

7. On July 15, 2021, the Department of Health Services referred the Hospital's Misconduct Incident Report regarding Respondent to the Department. It stated, *inter alia*:

Through a performance discussion with nursing manager and the employee, it was discovered that employee was falsifying documentation. This situation was escalated to leadership for further review. Leadership considered this a potential care giver misconduct matter due to employee omitting rounds and documentation on the patient. All three patient assessments were documented late or at the end of her shift. Employee did not see these patients, she let them detox without nursing oversight, and she falsified their eight (8) separate assessments in the medical record, attempting to cover up her negligence. Employee documented that she assessed CIWA and COW (detox) patients during a shift that were viewed on camera as not being completed. Employee was viewed on camera as not going into patient rooms at the times these were documented as being completed. Cheryl did not leave the nurses station, during the shift, with the exception of going to the restroom once.

8. On September 24, 2021, the Hospital terminated Respondent's employment.

9. Respondent does not admit the matters set forth in the foregoing Findings of Fact, but to resolve this matter without further litigation, 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 falsified or inappropriately altered reports, patient documentation, agency records, or other health documents within the meaning of Wis. Admin. Code § N 7.03(5)(a).

3. By the conduct described in the Findings of Fact, Respondent intentionally made incorrect entries in a patient's medical record or other related documents within the meaning of Wis. Admin. Code § N 7.03(5)(b).

4. By the conduct described in the Findings of Fact, Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety within the meaning of Wis. Admin. Code § N 7.03(6)(c).

5. 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 registered nurse in the state of Wisconsin (license no. 105517-30), is SUSPENDED for sixty (60) days beginning December 27, 2023.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 105517-30), and her privilege to practice pursuant to the Compact, are LIMITED from December 27, 2023 as follows:

a. For a period of two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.

b. It is Respondent's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from 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, 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 in its discretion.

c. Respondent shall provide a copy of this Order, and any subsequent order modifying this original Order, to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care, currently or in the future. 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 acknowledgement 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.

4. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 105517-30), and her privilege to practice pursuant to the Compact, are FURTHER 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 the topic of ethics and three (3) hours of education on the topic of appropriate documentation 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 the Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

5. 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.

6. Within one hundred eighty (180) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,134.00.

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. In the event Respondent violates any term of this Order, Respondent's license (number 105517-30), 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. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

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

WISCONSIN BOARD OF NURSING

By: Aloysius Rohmeyer DSPS Chief Legal Counsel, 12/22/2023
A Member of the Board Delegatee Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
CHERYL SMOKOWICZ SALCEDA, R.N.,	:	
RESPONDENT.	:	ORDER0008924

Division of Legal Services and Compliance Case No. 21 NUR 439

Respondent Cheryl Smokowicz Salceda, 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. Respondent is represented by Attorney Mario Mendoza.

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

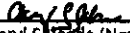
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

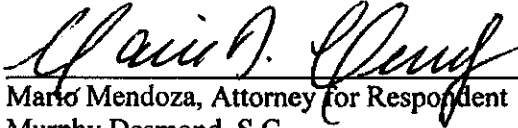
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.


Cheryl Smokowicz Salceda (Nov 22, 2023 14:08 CST)
Cheryl Smokowicz Salceda, R.N., Respondent
Nashotah, WI 53058
License No. 105517-30

Nov 22, 2023

Date


Mario Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 E. Main St., Ste 500
Madison, WI 53703

12/22/2023
Date

Colleen Meloy, 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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Cheryl Smokowicz Salceda, R.N., Respondent
Nashotah, WI 53058
License No. 105517-30

Date

Mario Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 E. Main St., Ste 500
Madison, WI 53703

Date



December 22, 2023

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

Date