

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR	:	
RENEWAL OF A REGISTERED NURSE	:	
CREDENTIAL	:	ORDER GRANTING
	:	LIMITED LICENSE
	:	
KELLY NITSCHKE,	:	ORDER0008979
APPLICANT.	:	

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

Kelly Nitsche
Campbellsport, WI 53010

Wisconsin Board of Nursing
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Wisconsin Board of Nursing (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Kelly Nitsche (Applicant) resides in Wisconsin.
2. On or about March 16, 1999, Applicant was issued Wisconsin Registered Nurse credential #131701-30.
3. On or about August 25, 2020, Applicant's Wisconsin Registered Nurse credential #131701-30 expired, and the 2020 renewal was not completed.
4. On or about February 22, 2022, Applicant applied to renew Wisconsin Registered Nurse credential #131701-30.
5. Information obtained during the renewal application process reflects that Applicant has the following:

- A. On February 6, 2019 – *OWI 1st* in Washington County Circuit Court Case No. 18-TR-4801, an ordinance offense in violation of Wis. Stat. §346.63(1)(a).
- i. On October 9, 2018 @0430, Applicant took prescribed narcotic pain medication for kidney pain before reporting to work @0800. Upon arriving at work, Applicant took additional pain medication but told her supervisor she was still in too much pain to work. The supervisor agreed to send her home but advised Applicant not to drive due to her pain medication intake, but Applicant nevertheless left in her car.
 - ii. Approximately four hours later @1230, a witness reported a car vs. tree accident involving Applicant. Police responded and found Applicant in her car in a confused and emotional state. Applicant admitted taking Vicodin, but officers also noted signs of alcohol use and Applicant registered a BAC of .188.
- B. On February 8, 2021 – *OWI 2nd* in Winnebago County Circuit Court Case No. 20-CT-497, a misdemeanor offense in violation of Wis. Stat. § 346.63(1)(a).
- i. On October 7, 2020, Applicant was pulled over for reckless driving and found to be under the influence of alcohol. Applicant admitted to drinking while driving and told police she had just finished her nursing job at 4:30pm. However, it was only 2:30pm at the time and Applicant was unable to account for the time discrepancy. Applicant's Registered Nurse license #131701-30 was also expired at the time.
- C. On January 15, 2021, Applicant began intensive inpatient treatment and was diagnosed with *Severe Alcohol Use Disorder and Dependence* and *Major Depressive Disorder*. Applicant completed inpatient treatment and was discharged on February 23, 2021, at which time she continued AODA treatment in an intensive outpatient program.
- D. Applicant submitted a current use statement claiming complete sobriety since January 10, 2021.
- E. Applicant provided two letters from her treating psychiatrist, Dr. Lisa Wochos, who continues to treat Applicant for a current diagnosis of *Alcohol Use Disorder, Moderate in Full Sustained Remission*. The first letter is dated July 18, 2022, and Dr. Wochos states she has treated Applicant since 2019 for depression and alcohol use disorder with counseling and medication and that her prognosis at that time was good. The second letter is dated December 5, 2023, and Dr. Wochos confirms Applicant's sobriety since January 10, 2021, and states Applicant "consistently takes her medications and attends all of her appointments with me. [Applicant] has

made noteworthy strides in her treatment and her dedication to her sobriety is remarkable. I whole heartedly, without reservation endorse her keeping her nursing license.”

6. In resolution of this matter, Applicant 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 the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. §§ 441.07(1g)(b), (c), and (d) and Wis. Admin. Code §§ N 7.03(2) and 7.03(6)(f), by being unable to practice safely by reason of alcohol or other substance abuse.
3. By the conduct described in the Findings of Fact, Applicant’s license may be limited pursuant to Wis. Stat. § 440.08(4) as necessary to protect public health, safety, or welfare.
4. As a result of the above conduct, Applicant is subject to limitations on her license pursuant to Wis. Stat. §§ 441.07(1g)(b), (c), and (d) and 440.08(4), and Wis. Admin. Code §§ N 7.03(2) and 7.03(6)(f).

ORDER

1. The attached Stipulation is accepted.
2. Applicant’s Registered Nurse license #131701-30 is a Wisconsin single-state license and her practice is limited to Wisconsin during the pendency of this Order. If Applicant wants to obtain a multistate privilege in the future, she may apply for it after demonstrating complete successful compliance with the terms of this Order and that her license has been changed to full, unencumbered status.
3. Limitations are necessary to ensure that Applicant is fit and competent to practice as a Registered Nurse under license #131701-30.
4. Applicant’s ability to practice as a Registered Nurse in the state of Wisconsin is LIMITED as follows:
 - A. For a period of at least two years from the date of this Order Applicant shall comply with the following requirement:
 - i. Applicant shall continue with AODA and mental health treatment with Dr. Lisa Wochos. Applicant shall arrange for quarterly written reports to be submitted to the Department Monitor from Dr. Wochos. These

reports should address Applicant's current diagnosis, treatment and prognosis.

- ii. In the event Dr. Wochos becomes unable or unwilling to treat Applicant or provide quarterly written reports as required, Applicant shall notify the Department Monitor thereof no less than 90 days prior to her final treatment date with Dr. Wochos. Applicant shall at the same time provide the Department Monitor with the name(s) of a Clinical Psychologist, Psychiatrist, or other licensed provider with experience evaluating and treating health care professionals with substance abuse and mental health disorders, and who is willing and able to assume treatment of Applicant and submit quarterly reports as required (Replacement Provider). The Replacement Provider must be approved by the Department Monitor and the transition from Dr. Wochos to the approved Replacement Provider must ensure continuity of treatment and without interruption of quarterly reports.
- iii. Applicant shall abstain from all personal use of alcohol.
- iv. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation, shall

not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 4.A.v.

- B. For a period of at least two years from the date of this Order, Applicant shall comply with the following practice limitations:
- i. Applicant shall provide Applicant's nursing employer with a copy of this Order before engaging in any nursing employment. Applicant shall provide the Department Monitor with written acknowledgment from each nursing employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within 14 days of beginning new employment and/or within 14 days of the date of this Order for employment current as of the date of this Order.
 - ii. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from her supervisor at each setting in which Applicant practiced nursing in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active nursing practice worked during that quarter. If a report indicates poor performance, the Board may institute additional limitations on Applicant's nursing license, in its discretion.
 - iii. Applicant may work as a nurse or other health care provider in a setting in which Applicant has access to controlled substances. If Dr. Wochos or the Replacement Provider subsequently recommends restrictions on such access, the Board or its designee may impose such restrictions.
 - iv. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five days of the date of change.
 - v. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.

5. Applicant may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one year from the date of this Order. Any petition for modification shall be accompanied by a written recommendation from Dr. Wochos or the approved Replacement Provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

6. After two consecutive years of successful compliance, including at least 600 hours of approved nursing practice each year, Applicant may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

7. Pursuant to the Compact, Applicant may not practice in a Compact state, other than Wisconsin, while her license is encumbered by any limitation or restriction imposed by this order.

8. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, or delivered 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) 267-3817
DSPSMonitoring@wisconsin.gov

Information may also be submitted online at <https://dpsmonitoring.wi.gov>

9. In the event Applicant violates any term of this Order, Applicant's license, or Applicant'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 Applicant 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.

10. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN BOARD OF NURSING

By: Dr. Janice Edelstein, R.N./JK
A Member of the Board

02/09/2024

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR	:	
RENEWAL OF A REGISTERED NURSE	:	
CREDENTIAL	:	
	:	STIPULATION
	:	
KELLY NITSCHKE,	:	ORDER0008979
APPLICANT.	:	

It is stipulated between Kelly Nitsche (Applicant) and the Wisconsin Board of Nursing (Board) as follows:

1. Applicant filed an application for late renewal of Registered Nurse license #131701-30.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order renewing Registered Nurse license #131701-30, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

9. Applicant is informed that the Order Granting Limited License is an encumbrance as defined by the Enhanced Nurse Licensure Compact (Compact) and Applicant's multi-state license and/or privilege, if any, will be subject to all terms and conditions of the Compact.

Kelly Nitsche

Kelly Nitsche

Campbellsport, WI 53010

License #131701-30

1/7/2024

Date

Dr. Janice Edelstein, R.N./JK

02/09/2024

A Member of the Board of Nursing

Department of Safety and Professional Services

P.O. Box 8935

Madison, WI 53708-8935

Date