

**BOARD OF NURSING  
MEETING MINUTES  
MARCH 10, 2016**

**PRESENT:** Jodi Johnson, Maria Joseph, Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka, Cheryl Streeter

**EXCUSED:** Paul Abegglen, Peter Kallio

**STAFF:** Tom Ryan, Executive Director; Nilajah Hardin, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Jeffrey Miller called the meeting to order at 8:00 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF THE AGENDA**

**MOTION:** Cheryl Streeter moved, seconded by Jodi Johnson, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 11, 2016**

**MOTION:** Luann Skarlupka moved, seconded by Maria Joseph, to approve the minutes of February 11, 2016 as published. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE 16-020 RELATING TO ADVANCED PRACTICE NURSE PRESCRIBERS**

**Review and Respond to Clearinghouse Report and Public Hearing Comments**

**MOTION:** Luann Skarlupka moved, seconded by Sheryl Krause, to accept all Clearinghouse comments for Clearinghouse Rule 16-020 relating to Advanced Practice Nurse Prescribers. Motion carried unanimously.

**MOTION:** Luann Skarlupka moved, seconded by Maria Joseph, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 16-020 relating to Advanced Practice Nurse Prescribers for submission to the Governor's Office and Legislature. Motion carried unanimously.

**EDUCATION AND EXAMINATION MATTERS**

**Lakeshore Technical College – Request for Authorization to Plan a School of Nursing**

**MOTION:** Sheryl Krause moved, seconded by Cheryl Streeter, to approve the request of Lakeshore Technical College for authorization to plan a School of Nursing. Motion carried unanimously.

**George Williams College of Aurora University - Request for Authorization to Plan a School of Nursing**

**MOTION:** Maria Joseph moved, seconded by Sheryl Krause, to approve the request of George Williams College of Aurora University for authorization to plan a School of Nursing. Motion carried unanimously.

**NCLEX Pass Rates of Board Approved RN and PN Schools**

**MOTION:** Cheryl Streeter moved, seconded by Jodi Johnson, that the Board recognizes the improvement of NCLEX scores by Milwaukee School of Engineering, Wisconsin Indianhead Technical College, and University of Wisconsin Milwaukee. Motion carried unanimously.

**MOTION:** Luann Skarlupka moved, seconded by Maria Joseph, that Cardinal Stritch, Marian, and Marquette submit an explanation or analysis of NCLEX pass rates and their plan to meet the NCLEX first time taker pass rate standard by no later than May 15, 2016. Motion carried unanimously.

**MOTION:** Sheryl Krause moved, seconded by Jodi Johnson, that the Board recognizes the improvement of NCLEX scores by Rasmussen-Green Bay and that they shall submit an explanation or analysis of NCLEX pass rates and their plan to meet the NCLEX first time taker pass rate standard by no later than May 15, 2016. Motion carried unanimously.

**MOTION:** Maria Joseph moved, seconded by Cheryl Streeter, that Bryant & Stratton College, Herzing University-Madison, Lakeshore Technical College, and Rasmussen-Wausau, submit an explanation or analysis of NCLEX pass rates, including reasons the plan submitted to the Board last year for improvement was unsuccessful and their plan to meet the NCLEX first time taker pass rate standard by no later than May 15, 2016. Motion carried unanimously.

**MOTION:** Jodi Johnson moved, seconded by Maria Joseph, that Herzing-Brookfield receive a warning letter for not meeting the NCLEX pass rate standard. The school shall identify factors potentially affecting the low NCLEX pass rates and an institutional plan for assessment and improvement of NCLEX results including outcomes and timeframes, which shall be Board approved by no later than July 1, 2016. The analysis of their low NCLEX pass rates shall also address reasons the plan submitted to the Board last year for improvement was unsuccessful. The plan shall address administration, faculty, students, curriculum, resources and policies. Motion carried unanimously.

**2016 BOARD REVIEW OF WEBSITE POSITION STATEMENTS**

**MOTION:** Jodi Johnson moved, seconded by Luann Skarlupka, to remove Board of Nursing Position Statement “What is the Nurse Licensure Compact?” from the DSPS website. Motion carried unanimously.

**MOTION:** Jodi Johnson moved, seconded by Luann Skarlupka, to remove Board of Nursing Position Statement “Can I Have Both a Compact and a Non-Compact License?” from the DSPS website. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Luann Skarlupka moved, seconded by Maria Joseph, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Jeffrey Miller, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote:; Jodi Johnson-yes; Maria Joseph-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Lillian Nolan-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:33 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Cheryl Streeter moved, seconded by Luann Skarlupka, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:56 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Maria Joseph moved, seconded by Jodi Johnson, to affirm all motions made in closed session. Motion carried unanimously.

**DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

**Attorney Amanda Florek**

*Administrative Warnings*

**MOTION:** Cheryl Streeter moved, seconded by Sheryl Krause, to issue an Administrative Warning in the following matters:

1. 15 NUR 668 (K.H.)
2. 15 NUR 692 (D.S.L.)
3. 15 NUR 692 (P.A.B.)
4. 16 NUR 018 (J.M.S.)

Motion carried unanimously.

*Proposed Stipulations, Final Decisions and Orders*

**MOTION:** Maria Joseph moved, seconded by Jodi Johnson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 NUR 325 (T.L.H.)
2. 15 NUR 346 (K.A.K.)
3. 15 NUR 471 (C.M.A.)
4. 15 NUR 576 (D.L.C.J.)
5. 15 NUR 588 (J.J.V.)
6. 15 NUR 594 (N.K.D.)

Motion carried unanimously.

**DLSC Attorney Kim Kluck**

*Administrative Warnings*

*15 NUR 612 – D.W.R.*

**MOTION:** Sheryl Krause moved, seconded by Maria Joseph, to issue an Administrative Warning in the matter of 15 NUR 612 (D.W.R.). Motion carried unanimously.

*Proposed Stipulations, Final Decisions and Orders*

**MOTION:** Cheryl Streeter moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 14 NUR 682 (B.K.B.)
2. 15 NUR 199 (L.M.V.)
3. 15 NUR 532 (H.P.G.)
4. 15 NUR 694 (A.S.F.)
5. 16 NUR 027 (L.A.J.)
6. 16 NUR 066 (P.A.S.)

Motion carried unanimously.

**MOTION:** Sheryl Krause moved, seconded by Luann Skarlupka, to **table** case number 15 NUR 493 (C.R.C.) to a future meeting. Motion carried unanimously.

**Case Closures**

**MOTION:** Jodi Johnson moved, seconded by Maria Joseph, to close the DLSC cases for the reasons outlined below:

1. 15 NUR 503 – Prosecutorial Discretion (P5-Flag)
2. 15 NUR 680 – Prosecutorial Discretion (P7)
3. 15 NUR 687 – Lack of Jurisdiction (L2)
4. 15 NUR 031 – Insufficient Evidence
5. 16 NUR 028 – Prosecutorial Discretion (P2)
6. 15 NUR 254 - Prosecutorial Discretion (P2)
7. 15 NUR 472 - Prosecutorial Discretion (P3)
8. 15 NUR 375 - Prosecutorial Discretion (P5-Flag)
9. 15 NUR 627 - Prosecutorial Discretion (P7)
10. 15 NUR 222 – No Violation
11. 15 NUR 535 - Prosecutorial Discretion (P2)

Motion carried unanimously.

**Monitoring*****Erik Costea, R.N – Requesting Reduction in Drug and Alcohol Screens***

**MOTION:** Lillian Nolan moved, seconded by Maria Joseph, to grant the request of Erik Costea, R.N. for a reduction in drug and alcohol screens to 28 per year and one annual hair test. Motion carried unanimously.

***Denise Denton, R.N. – Requesting Full Licensure***

**MOTION:** Lillian Nolan moved, seconded by Maria Joseph, to grant the request of Denise Denton, R.N. for full licensure. Motion carried unanimously.

***Annette Malcomson, R.N. – Requesting Access to Controlled Substances***

**MOTION:** Luann Skarlupka moved, seconded by Jodi Johnson, to deny the request of Annette Malcomson, R.N. for access to controlled substances. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (06/02/2011) while working as a nurse. Motion carried unanimously.

***Brenda Pecor, L.P.N. – Requesting Reduction in AA/NA Meetings and Drug and Alcohol Screens***

**MOTION:** Sheryl Krause moved, seconded by Lillian Nolan, to grant the request of Brenda Pecor, L.P.N. for a reduction in AA/NA meetings to once per week. The Board denies the request of Brenda Pecor, L.P.N. for a reduction in drug and alcohol screens. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (01/26/2012) while working as a nurse. Motion carried unanimously.

***Barbara Philips, L.P.N. – Requesting Termination of Suspension of Right to Renew***

**MOTION:** Lillian Nolan moved, seconded by Sheryl Krause, to table the request of Barbara Philips, L.P.N. for termination of the suspension of her right to renew her Licensed Practical Nurse license. The Board requests that the respondent provide additional information at a future meeting. Motion carried unanimously.

***Cheryl Smokowicz Salceda – Requesting Full Licensure***

**MOTION:** Lillian Nolan moved, seconded by Cheryl Streeter, to grant the request of Cheryl Smokowicz Salceda, R.N. for full licensure. Motion carried unanimously.

***Robin Staver, R.N. – Requesting Reduction in Drug and Alcohol Screens***

**MOTION:** Sheryl Krause moved, seconded by Maria Joseph, to grant the request of Robin Staver, R.N. for a reduction in drug and alcohol screens to 28 per year and one annual hair test. Motion carried unanimously.

***James Whelan, R.N. – Requesting Full Licensure***

**MOTION:** Cheryl Streeter moved, seconded by Jodi Johnson, to grant the request of James Whelan, R.N. for full licensure. Motion carried unanimously.

*Julie Wilcox, R.N. – Requesting Modifications to Practice Limitations*

**MOTION:** Cheryl Streeter moved, seconded by Lillian Nolan, to deny the request of Julie Wilcox, R.N. for termination of direct supervision, access to controlled substances, and removal of the work-setting preapproval requirement. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (12/01/2011) while working as a nurse. Motion carried unanimously.

**DELIBERATION ON FINAL DECISION(S) AND ORDER(S)**

**Kelly L. Kowalkowski, R.N., Respondent (DHA case # SPS-15-0093)(DLSC case # 14 NUR 385 and 14 NUR 564) and Objections**

**MOTION:** Lillian Nolan moved, seconded by Sheryl Krause, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Kelly L. Kowalkowski, R.N., Respondent (DHA case # SPS-15-0093)(DLSC case # 14 NUR 385 and 14 NUR 564) with a variance to the authority relied on for determining Costs. Motion carried unanimously.

**MOTION:** Maria Joseph moved, seconded by Cheryl Streeter, to designate the Chair to review and approve the Order with Variance in the matter of disciplinary proceedings against Kelly L. Kowalkowski, R.N., Respondent (DHA case # SPS-15-0093)(DLSC case # 14 NUR 385 and 14 NUR 564). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Cheryl Streeter moved, seconded by Luann Skarlupka, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:09 p.m.