

**VIRTUAL/TELECONFERENCE  
BOARD OF NURSING  
MEETING MINUTES  
FEBRUARY 8, 2024**

**PRESENT:** John Anderson, Janice Edelstein, Vera Guyton (*excused at 11:02 a.m.*), Amanda Kane, Jennifer Malak, Patrick McNally, Shelly Sabourin (*excused at 11:02 a.m.*), Robert Weinman (*arrived at 9:24*)

**EXCUSED:** Christian Saldivar Frias

**STAFF:** Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other Department Staff

**CALL TO ORDER**

Vera Guyton, Vice Chairperson, called the meeting to order at 8:09 a.m. A quorum was confirmed with Seven (7) members present.

**ADOPTION OF THE AGENDA**

**MOTION:** Amanda Kane moved, seconded by Janice Edelstein, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES JANUARY 11, 2024**

**MOTION:** John Anderson moved, seconded by Amanda Kane, to approve the Minutes of January 11, 2024, as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Delegation of Authorities**

**Review and Approval of 2023 Delegations**

**MOTION:** Amanda Kane moved, seconded by Jennifer Malak, to reaffirm all delegation motions from 2023. Motion carried unanimously.

**Document Signature Delegations**

**MOTION:** Janice Edelstein moved, seconded by Amanda Kane, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director,

Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

### ***Monitoring Delegations***

#### **Delegation of Authorities for Monitoring**

**MOTION:** Vera Guyton moved, seconded by Jenny Malak, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the February 8, 2024, agenda materials. Motion carried unanimously.

### ***Credentialing Authority Delegations***

#### **Delegation to Department Attorneys to Approve Duplicate Legal Issue**

**MOTION:** Janice Edelstein moved, seconded by Amanda Kane, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

*Robert Weinman arrived at 9:24*

#### **Delegation of Authority to DSPS Paralegals and Attorneys to Approve Prior Discipline Unrelated to the Practice of Nursing**

**MOTION:** Jennifer Malak moved, seconded by Amanda Kane, to delegate authority to DSPS Paralegals and Attorneys to approve prior discipline unrelated to the practice of nursing. Motion carried unanimously.

#### **Pre-Screening Delegation to Close Cases**

**MOTION:** Janice Edelstein moved, seconded by Vera Guyton, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. DHS caregiver complaint where facility investigation does not find wrongdoing by a nurse.
3. Complaints that even if allegations are true, do not amount to a violation of statute or rules.

Motion carried unanimously.

#### **Communications Liaison(s) Delegation**

**MOTION:** Jennifer Malak moved, seconded by Robert Weinman, to delegate authority to the Communications Liaison(s) to address any matters related

to outgoing Board communications to stakeholders and licensees. Motion carried unanimously.

### **Education and Examination Liaison(s) Delegation**

**MOTION:** Janice Edelstein moved, seconded by Shelly Sabourin, to delegate authority to the Education and Examination Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board when making determinations related to nursing education, including refresher courses, and questions regarding nursing examination. Motion carried unanimously.

### **ADMINISTRATIVE RULE MATTERS**

#### **Preliminary Rule Draft: N 6, relating to delegated acts**

**MOTION:** Jennifer Malak moved, seconded by John Anderson, to authorize the Chairperson (or in absence of the Chairperson the highest-ranking officer or longest serving board member in that succession) to approve the revised preliminary rule draft of N 6, relating to delegated acts, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

#### **Appointments of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	Janice Edelstein, Vera Guyton ( <i>LPN Reviews</i> ), Robert Weinman Amanda Kane <i>Alternate:</i> Vera Guyton
<b>Monitoring Liaison</b>	John Anderson <i>Alternate:</i> Patrick McNally
<b>Professional Assistance Procedure (PAP) Liaison</b>	Shelly Sabourin Jennifer Malak
<b>Legislative Liaison</b>	John Anderson, Robert Weinman, <i>Alternate:</i> Patrick McNally
<b>Newsletter Liaison</b>	Janice Edelstein, Jennifer Malak <i>Alternate:</i> Vera Guyton
<b>Communication Liaison</b>	Robert Weinman

<b>Education and Examination Liaison</b>	Janice Edelstein <i>Alternate:</i>
<b>Controlled Substances Board Liaison as per Wis. Stats. §15.405(5g)</b>	Amanda Kane <i>Alternate:</i> Robert Weinman (Primary)
<b>Wisconsin Coalition for Prescription Drug Abuse Reduction Liaison</b>	Amanda Kane
<b>Travel Authorization Liaison</b>	Robert Weinman (Chair) <i>Alternate:</i> Vera Guyton (Vice Chair)
<b>COMMITTEE MEMBER APPOINTMENTS</b>	
<b>Legislation and Rules Committee</b>	Janice Edelstein, Robert Weinman (Chair), John Anderson
<b>BOARD APPOINTMENT TO THE INTERSTATE NURSE LICENSURE COMPACT COMMISSION</b>	
<b>Administrator of the Nurse Licensure Compact</b>	Robert Weinman <i>Alternate:</i> Janice Edelstein

<b>SCREENING PANEL APPOINTMENTS</b>	
<b>Alternates</b>	Robert Weinman
<b>2024 Screening Panel Rotation</b>	
<b>January – March</b>	Janice Edelstein, Amanda Kane
<b>April – June</b>	John Anderson, Shelly Sabourin
<b>July – September</b>	Robert Weinman, Patrick McNally
<b>October – December</b>	Patrick McNally, Jennifer Malak

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND  
REPORTS – DISCUSSION AND CONSIDERATION**

**NLC Commission and NCSBN Midyear Meeting – Atlanta, GA, March 11 - 14, 2024**

**MOTION:** Robert Weinman moved, seconded by Janice Edelstein, to designate John Anderson as an alternate delegate to attend the NLC Commission and NCSBN Midyear Meeting on March 11 - 14, 2024 in Atlanta, GA. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** John Anderson moved, seconded by Robert Weinman, 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 warnings (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.). Janice Edelstein, Secretary, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: John Anderson-yes; Janice Edelstein-yes; Vera Guyton-yes; Amanda Kane -yes; Jennifer Malak-yes; Patrick McNally-yes; Shelly Sabourin -yes; and Robert Weinman-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:02 a.m.

**Proposed Stipulations and Final Decisions and Orders**

**MOTION:** Jennifer Malak moved, seconded by John Anderson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of the following cases:

- 22 NUR 603 – Mildred Reeves-Wilburn
- 22 NUR 688 – Aretishia D. Patterson
- 22 NUR 822 – Jean N. Rusch
- 23 NUR 176 – Amber K. Knowler
- 23 NUR 267 and 23 NUR 286 – Jenni-Jo Clark
- 23 NUR 333 – Jennifer L. Mauer
- 23 NUR 362 – Kellie Bock
- 23 NUR 531 – Susan M. Leonard
- 23 NUR 669 – Brandy L. Dunse
- 23 NUR 747 – Monica L. Mars

Motion carried unanimously.

**CREDENTIALING MATTERS**

**Application Reviews**

*Michelle Lefebvre – RN*

**MOTION:** Amanda Kane moved, seconded by Janice Edelstein, to deny the request of Michelle Lefebvre for an unrestricted registered nurse license, but to offer applicant a limited license with the following restrictions: requiring Respondent to enroll and participate in a drug and alcohol monitoring program approved by the Department which shall include random hair screens at a frequency of not less than one hair screen per quarter, and to submit quarterly work reports to the Department monitor. Respondent may petition the Board for full, unrestricted licensure upon demonstration of continuous, successful compliance with the terms of the order for at least one (1) year. Reason for Denial: 441.07(1g)(b), (c) and (d), N 7.03(1)(b), 7.03(2) and 7.03(6)(f). Motion carried unanimously.

*Zoey Lukacs – RN*

**MOTION:** Robert Weinman moved, seconded by Jennifer Malak, to approve the Registered Nurse application of Zoey Lukacs, once all requirements are met. Motion carried unanimously.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE  
MATTERS**

**Administrative Warnings**

**MOTION:** Jennifer Malak moved, seconded by Vera Guyton, to issue Administrative Warnings in the following DLSC Cases:  
22 NUR 227 – A.M.H.  
23 NUR 034 – A.L.V.  
23 NUR 555 – A.H.  
23 NUR 679 – D.S.S.  
Motion carried unanimously.

**Case Closings**

**MOTION:** Amanda Kane moved, seconded by Shelly Sabourin, to close the following DLSC Cases for the reasons outlined below:  
21 NUR 456 and 21 NUR 495 – M.B.C. – Prosecutorial Discretion (P1)  
21 NUR 630 – C.M.M. – Insufficient Evidence  
22 NUR 623 – T.L. – Insufficient Evidence  
22 NUR 683 – D.R.C. – Prosecutorial Discretion (P1)  
22 NUR 816 – U. and K.A.W. – No Violation  
23 NUR 011 – U. – No Violation  
23 NUR 110 – M.J.D. – Prosecutorial Discretion (P5)  
23 NUR 208 – G.V. – No Violation  
23 NUR 229 – J.L.V. – Insufficient Evidence  
23 NUR 251 – C.M.M. – Insufficient Evidence  
23 NUR 285 – E.S.Z. – Prosecutorial Discretion (P1)

23 NUR 405 – U. – No Violation  
23 NUR 438 – P.L.K. – Insufficient Evidence  
23 NUR 461 – D.L.B. – No Violation  
23 NUR 555 – R.M. – Lack of Jurisdiction (L2)  
23 NUR 636 – S.M.M. – No Violation  
23 NUR 719 – K.M.M. – Insufficient Evidence  
23 NUR 742 – L.S.R. – No Violation  
Motion carried unanimously.

**Deliberation on Matters Relating to Costs/Orders Fixing Costs**

***Ray D. Summar, R.N. - DHA Case Number SPS-21-0064/DLSC Case Number 21 NUR 206***

**MOTION:** Jennifer Malak moved, seconded by John Anderson, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Ray D. Summar, R.N. – DHA Case Number SPS-21-0064/DLSC Case Number 21 NUR 206. Motion carried unanimously.

**Monitoring Matters**

***Jenica Koller – Requesting Full Licensure***

**MOTION:** Robert Weinman moved, seconded by Jennifer Malak, to deny the request of Jenica Koller, R.N., for Full Licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance under the terms of the Board Order (7/21/2021). Motion carried unanimously.

***Michelle Bearheart, R.N. – Requesting Full Licensure***

**MOTION:** Janice Edelstein moved, seconded by Amanda Kane, to grant the request of Michelle Bearheart, R.N., for Full Licensure. Motion carried unanimously.

***Michelle (McPhaul) Chadwick, L.P.N. - Requesting Full Licensure***

**MOTION:** Jennifer Malak moved, seconded by Amanda Kane, to grant the request of Michelle (McPhaul) Chadwick, L.P.N., for Full Licensure. Motion carried unanimously.

***Caitlin Cornell, R.N. - Requesting full licensure***

**MOTION:** Janice Edelstein moved, seconded by Amanda Kane, to grant the request of Caitlin Cornell, R.N., for Full Licensure. Motion carried unanimously.

*Vera Guyton excused at 11:02 a.m.*

*Shelly Sabourin excused at 11:02 a.m.*

***Michelle Lang, R.N. - Requesting Full Licensure OR access to controlled substances***

**MOTION:** Jennifer Malak moved, seconded by Amanda Kane, to grant the request of Michelle Lang, R.N., for Full Licensure. Motion carried unanimously.

***Briana Owens, R.N. - Requesting Full Licensure***

**MOTION:** Janice Edelstein moved, seconded by Patrick McNally, to grant the request of Briana Owens, R.N., for Full Licensure. Motion carried unanimously.

***Theresa Shurn, R.N. - Requesting Full Licensure***

**MOTION:** Amanda Kane moved, seconded by Janice Edelstein, to grant the request of Theresa Shurn, R.N., for Full Licensure. Motion carried unanimously.

***Jay Tolbert, L.P.N. - Requesting reduction in treatment session frequency***

**MOTION:** Jennifer Malak moved, seconded by John Anderson, to grant the request of Jay Tolbert, L.P.N., to modify treatment session frequency to be at a frequency determined by the treater. Motion carried unanimously.

***Olivia Zaleski, R.N. - Reconsideration of Multiple Offender Course Requirement***

**MOTION:** Robert Weinman moved, seconded by Patrick McNally t, to grant the request of Olivia Zaleski, R.N., to remove the Multiple Offender Course requirement. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Robert Weinman moved, seconded by John Anderson, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:19 a.m.

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

**MOTION:** Robert Wein moved, seconded by John, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

**ADJOURNMENT**

**MOTION:** Robert Weinman moved, seconded by Janice W, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:22 a.m.