

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST:

KELLY RENE BUCK, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
LS0111011NUR

01 NUR 079

The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Kelly Rene Buck
N11923 Nokomis Drive
Tomahawk, WI 54487

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the 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

1. Kelly Rene Buck (dob: 07/31/75) is and was at all times relevant to the facts set forth herein a registered nurse licensed in the State of Wisconsin pursuant to license # 135327 . This license was first granted July 7, 2000.
2. An assessment of Respondent by Lakeland Counseling on July 6, 2001, resulted in an opinion that Respondent has a bipolar type II condition with concomitant borderline features.
3. For purposes of this disciplinary action only, Respondent does not contest the allegation that on March 24, 2001, she obtained approximately 20 Darvocet® tablets other than by a valid prescription and ingested them, resulting in Respondent's hospitalization.
4. Respondent has participated in outpatient treatment for her condition with Lakeland Counseling Service and Mental Health Associates.

CONCLUSIONS OF LAW

5. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(b) and(d) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
6. The conduct described in paragraph 3, above, violated § N 7.04(2) and (15) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license of Kelly Rene Buck to practice as a registered nurse in the state of Wisconsin is LIMITED for a period of one year from the date of this Order, as follows:

REHABILITATION, MONITORING AND TREATMENT

Treatment Required

1. Respondent shall continue successful participation in a treatment program for her mental health condition her supervising therapist shall determine to be appropriate for respondent's rehabilitation. Such treatment shall include at least one counseling session per month.

Sobriety

2. Respondent shall abstain from all personal use of controlled substances as defined in sec. 961.01(4) Stats., except when necessitated by a legitimate medical condition and then only with the prior approval of her supervising health care provider. Respondent shall abstain from all personal use of alcohol.

Department Monitor

3. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor

Department of Regulation Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-3817

Releases

4. Respondent shall provide upon request, and keep on file with all health care providers current releases which comply with state and federal laws authorizing release of all medical and treatment records and reports to, and permitting all health care providers to disclose and discuss the progress of respondent's treatment with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

Required Reporting by Supervising Health Care Provider

5. The supervising health care provider shall submit written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in treatment and shall list all medications currently prescribed. The supervising health care provider shall report immediately to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-3817] any violation or suspected violation of the Board's Final Decision and Order.

Required reporting by Respondent

6. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order.

PETITION FOR MODIFICATION OF TERMS

7. Respondent may petition the Board for modification of the terms of this limited license . Any such petition shall be accompanied by a written recommendation from respondent's Supervising Health Care Provider expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

After one year of continuous active professional practice under this Order without violation of the terms thereof, all limitations shall be terminated and an unlimited license shall be restored.

Expenses of Treatment and Monitoring

8. Respondent 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.

Change in Address or Work Status

9. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

10. Respondent shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when respondent applies for employment as a health care provider.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny a stay of suspension of the license or impose additional conditions and limitations or other discipline.

This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By: Ann Brewer

11-1-01

Board Chair

Date