

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KRYSTAL A. BAUER, R.N., :
RESPONDENT. : LS0806054NUR

Division of Enforcement Case # 07 NUR 448

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

Krystal A. Bauer, R.N.
3363 Winston Drive
Bettendorf, IA 52722

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 of Nursing. 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. Krystal A. Bauer, R.N., is licensed as a registered nurse by the State of Iowa (license number 089513). The effective date of her license was August 16, 2006, and it expires on August 15, 2009. Respondent's last known address is 3363 Winston Drive, Bettendorf, IA, 52722.

2. At all relevant times, Respondent was working as a registered nurse in Wisconsin pursuant to the multi-state nurse licensure compact, under her Iowa license. Wisconsin (pursuant to Wis. Stat. § 441.50) and Iowa are party states of the compact, which provides for multi-state licensure privileges and allows a nurse with a license from a "home state" to engage in the practice of nursing in all other party states, which are called "remote states."

3. At all relevant times, Respondent was employed by Travel Nurse across American, LLC, who subcontracted to Cross Country Staffing, who placed her at Saint Claire's Hospital in Weston, Wisconsin.

4. On or about December 7, 2007, Respondent was assigned to work the night shift at Saint Claire's Hospital. During her shift, she was observed removing a large quantity of morphine from a Pyxis machine. Further investigation showed that Respondent had removed 20 mg of morphine, while her patient had orders for 2-4 mg every 2-4 hours. When confronted, Respondent stated that she had taken out the large doses of morphine so that she would not have to keep re-entering the Pyxis machine.

5. Respondent agreed to take a drug test at the end of her shift. She told the nursing supervisor that her test may

be positive, as she had taken Vicodin the previous day for menstrual cramps, from a friend's prescription.

6. Respondent's test was positive for morphine.

7. When questioned about the positive morphine result, Respondent admitted to a Medical Review Officer that she had given herself an injection that was intended for a patient.

8. An audit of Respondent's Pyxis access showed excessive access of medication with minimal or no documentation of having given the medication to patients, including: Temazepam, morphine, Fentanyl, and Hydrocodone/Acetaminophen.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and 441.50(3)(b) and (c), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct set forth in paragraphs 4 – 8 above constitutes a violation of Wis. Admin. Code § N 7.03(2) and N 7.04(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

ORDER

IT IS ORDERED:

1. The privilege of Respondent Krystal A. Bauer, R.N., to practice as a nurse in the State of Wisconsin pursuant to the multi-state nurse licensure compact is REVOKED

2. In the event Respondent applies for Wisconsin licensure as a nurse, the Board may issue a limited license based on the facts set out in the Final Decision and Order, or may deny that application, in its discretion, without further notice or hearing. Respondent expressly waives all rights to a hearing on any such denial or limitation.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing, costs of this proceeding in the amount of One Hundred Dollars (\$100.00) pursuant to Wis. Stat. § 440.22(2).

4. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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

Wisconsin Board of Nursing

By: Kathleen Sullivan
A Member of the Board

6/508
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
KRYSTAL A. BAUER, R.N. : STIPULATION
 : LS _____ NUR
RESPONDENT. :

Division of Enforcement Case # 07 NUR 448

Krystal A. Bauer, R.N., personally on her own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's practice in Wisconsin pursuant to the multi-state nurse licensure compact (case # 07 NUR 448). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has had the opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the revocation of her privilege to practice as a nurse in Wisconsin pursuant to the multi-state nurse licensure compact. In the event that Respondent applies for Wisconsin licensure as a nurse, the Board may issue a limited license based on the facts set out in the Final Decision and Order, or may deny that application, in its discretion, without further notice or hearing. Respondent expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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.

6. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. 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.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Krystal A. Bauer, R.N.
3363 Winston Drive
Bettendorf, IA 52722

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date