

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JULIE SIGNE GUNNESS, R.N.,
RESPONDENT

FINAL DECISION AND ORDER
92 NUR 082

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

Julie Signe Gunness
401 North Rosa Road
Madison, WI 53705

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

NOV 4 1992

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. Julie Signe Gunness, R.N. (D.O.B. 01/12/57) is duly licensed as a registered nurse in the state of Wisconsin (license # 81259). This license was first granted on March 26, 1982.
2. Ms. Gunness' most recent address on file with the Wisconsin Board of Nursing is 401 North Rosa Road, Madison, WI 53705.
3. On May 21, 1985, the Wisconsin Board of Nursing imposed discipline against Ms. Gunness' license to practice as a registered nurse in the state of Wisconsin. A true and correct copy of the May 21, 1985 order of the Board is attached to this Order as Exhibit A and incorporated by reference into this Order. The Board subsequently amended this order, and on December 30, 1986 the Board returned Ms. Gunness to full and unrestricted licensure.
4. On or about May 10, 1991, respondent diverted quantities of a controlled substance for her personal use from a private home. Ms. Gunness was prosecuted for attempted theft in connection with this incident and was

EXHIBIT B

placed on probation in September, 1991.

5. On or about May 1, 1992, respondent diverted quantities of Percocet™ for her personal use from the home of an acquaintance.

6. In resolution of these proceedings, Ms. Gunness consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Julie Signe Gunness is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §N7.04(1), (2) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Julie Signe Gunness to practice as a nurse in the state of Wisconsin shall be SUSPENDED for an INDEFINITE PERIOD of time.

(a) IT IS FURTHER ORDERED that the SUSPENSION shall be STAYED for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. Julie Signe Gunness may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Ms. Gunness' practice during the prior three (3) month period.

ii. If the Board denies the petition by Ms. Gunness for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

iii. Upon a showing by Ms. Gunness of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (b), below, Ms. Gunness may petition for return of full licensure. The Board may, in its discretion, require that Ms. Gunness complete at least six (6) months of nursing employment monitored under the conditions of paragraph (b) prior to the Board's issuance of a complete and unrestricted license.

(b) CONDITIONS OF STAY

i. Ms. Gunness shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Ms. Gunness must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Ms. Gunness must

attend Alcoholics or Narcotics Anonymous at least one (1) time per week.

In addition, Ms. Gunness shall maintain compliance with all terms of probation affecting her and arrange for her probation officer to inform the Board of Nursing immediately of any action affecting Ms. Gunness' probationary status.

ii. Upon request of the Board, Ms. Gunness shall provide the Board with current releases complying with state and federal laws, authorizing release of probation, counseling, treatment, monitoring and employment records.

iii. Ms. Gunness shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Gunness must participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. The Board or its designated agent may alter this frequency in conjunction with the granting of a petition for a stay of suspension. If the physician or therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Gunness shall submit to such additional screens.

Ms. Gunness shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for evaluation. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures to participate as: if Ms. Gunness fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Gunness refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Gunness understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Gunness' license, it shall be presumed that all confirmed positive reports are valid. Ms. Gunness shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

vi. Ms. Gunness shall provide her employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Ms. Gunness shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Ms. Gunness' receipt of an order granting a stay.

Ms. Gunness shall immediately provide her employer with a copy of any denial of an extension of stay under this Order.

vi. Ms. Gunness shall arrange for quarterly reports to the nursing Examining Board from her employer evaluating her work performance; from the monitoring facility providing the dates and results of the screenings performed; and from her counselor evaluating Ms. Gunness' attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

vii. Ms. Gunness shall refrain from access to or the administration of controlled substances in her work setting until such time as access or administration is approved by the Board.

viii. Ms. Gunness shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Ms. Gunness may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(d) 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 Ms. Gunness' license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

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

BOARD OF NURSING

By:

Jacqueline Johnson RN MS
A Member of the Board

Date

10/30/92