

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
JULIE GUNNESS LEWIS, R.N.,	:	FINAL DECISION AND ORDER
RESPONDENT	:	93 NUR 167
	:	

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The parties to this action for the purposes of Wis. Stats. sec. 705.53 are:

Julie Gunness Lewis  
410 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

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 Gunness Lewis (D.O.B. 01/12/57) is duly licensed in the state of Wisconsin to practice as a registered nurse (license #81259). This license was first granted on March 26, 1982.

2. Ms. Lewis' latest address on file with the Department of Regulation and Licensing is 410 North Rosa Road, Madison, WI 53705.

3. On May 21, 1985, The Board subsequently amended this order, and on December 30, 1986, the Board returned Ms. Gunness to full and unrestricted licensure. On October 30, 1992, the Board of Nursing again imposed discipline against Ms. Lewis' license. A true and correct copy of the Board's 1992 Final Decision and Order is attached to this Order as Exhibit B. Exhibits A and B are incorporated by reference into this Order.

4. On or about August 10, 1993, Ms. Gunness diverted hydrocodone for her

personal use from patient supplies at Ms. Lewis' place of employment, Madison Meriter Hospital, 309 West Washington Avenue, Madison, Wisconsin. Ms. Lewis was working at this time with access to controlled medications, in violation of the terms of the Board's 1992 order in effect against her license.

5. Ms. Lewis consents to the entry of the following Conclusions of Law and Order as a reasonable accommodation to allow her an opportunity to continue her nursing career, in light of the facts and circumstances of this case.

#### CONCLUSIONS OF LAW

Julie Gunness Lewis is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §§N7.03(2) and N7.04(1), (2), (14) and (15).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Julie Gunness Lewis to practice as a nurse in the state of Wisconsin (#81259) shall be SUSPENDED for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that

(a) Ms. Lewis may petition the Board at any time following thirty (30) days from the date of this Order for a stay of the suspension of her licensure. In conjunction with a petition by Ms. Lewis, the Board shall require documentation of Ms. Lewis' rehabilitation, such as: 1) documentation of continuous abstinence from the consumption of alcohol and controlled substances [unless prescribed for a legitimate medical purpose] by Ms. Lewis for a period of at least sixty (60) days prior to submission of the petition; and 2) documentation of full participation in a program for the treatment of chemical dependency for a period of at least sixty (60) days prior to submission of the petition. 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. §§705.01(3) and 705.42.

(b) Upon its determination that Julie Gunness Lewis can safely and competently return to the active practice of nursing, the Board may stay the suspension for a period of three (3) months, conditioned upon compliance with conditions and limitations outlined in ¶c, below.

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

ii. If the Board denies a petition by Ms. Lewis 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. Ms. Lewis may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the conditions and/or limitations in effect against her license.

(c) CONDITIONS OF STAY

i. Ms. Lewis shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. Ms. Lewis shall maintain successful participation in her treatment program as a condition of continued licensure. As a part of treatment, Ms. Lewis 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. Lewis must attend Alcoholics Anonymous, Narcotics Anonymous or other group therapy acceptable to the Board at least one (1) time per week.

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

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

iv. Ms. Lewis 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. Lewis shall submit to such additional screens.

Ms. Lewis 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 Wisconsin Board of Nursing upon such failures to participate as: if Ms. Lewis fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Lewis refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

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

v. Ms. Lewis shall refrain from all access, direct or indirect, to controlled substances in her work setting. This restriction shall include Ms. Lewis refraining from any administration of controlled substances in her work setting.

vi. Ms. Lewis shall provide her nursing employer and any prospective nursing 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. Lewis shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Ms. Lewis' receipt of an order granting a stay.

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

vii. Ms. Lewis 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 treatment provider(s) evaluating Ms. Lewis' attendance and progress in therapy as well as evaluating her level of participation at NA/AA meetings.

viii. Ms. Lewis 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.

(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. Lewis' 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          9/10/93      
A Member of the Board      Date

1985  
85 June 2

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JULIE SIGNE GUNNESS, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER

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

Julie Signe Gunness, R.N.  
6701 Schroeder Road, #6  
Madison, WI 53711

Board of Nursing  
P.O. Box 8936  
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8936  
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Julie Signe Gunness as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Board of Nursing.

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition 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:

EXHIBIT A

### FINDINGS OF FACT

1. Julie Signe Gunness is duly licensed as a registered nurse in the State of Wisconsin (license number 81259); this license was issued on March 26, 1982.

2. On exact dates unknown, but beginning in September, 1984 and continuing up to October 10, 1984, Ms. Gunness diverted controlled substances for her personal use from supplies of her employer, University Hospital Clinic Science Center in Madison, Wisconsin. To avoid detection, Ms. Gunness in some instances replaced the drugs she diverted with saline solution.

3. The controlled substances diverted by Ms. Gunness included Percocet, Demerol, Dilaudid and Morphine.

4. On October 10, 1984 Ms. Gunness confessed to the diversion and illicit use of drugs. She was subsequently placed in the Dane County First Offenders Program and commenced inpatient treatment for chemical dependency in the A.P.E.C. program at Madison General Hospital.

5. Ms. Gunness was discharged to outpatient care on November 22, 1984. On or about December 15, 1984, Ms. Gunness relapsed with an incident of recreational use of cocaine. She remained in treatment and continues in a treatment program at this time.

### CONCLUSIONS OF LAW

By the conduct described above, Julie Signe Gunness is subject to disciplinary action against her license, pursuant to Wis. Stats. sec. 441.07(1)(c) and (d) and Wis. Adm. Code secs. N 11.03(3)(a) and (b) and N 11.04(1).

Therefore, it is hereby ORDERED:

(a) The license of Ms. Gunness is SUSPENDED for a period of not less than two (2) years. 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. Ms. Gunness may apply for consecutive three month extensions of the stay of suspension, which shall be granted upon Ms. Gunness's acceptable demonstration of compliance with the conditions and limitations imposed on Ms. Gunness's practice during the prior three month period.
- ii. If the Board denies a petition by Ms. Gunness for an extension, the Board shall afford Ms. Gunness an opportunity for hearing in accordance with current regulations governing denial proceedings, upon timely receipt of a request for hearing.

- iii. Upon successful compliance for a period of two years with the terms of paragraph (b), below, the Board shall grant a petition by Ms. Gunness for a return to full licensure.
- iv. In consideration of Ms. Gunness's regimen of treatment following her relapse on December 15, 1984, the Board reduces the two year compliance period by 5 months.

(b) CONDITIONS OF STAY

- i. Ms. Gunness must remain in a program acceptable to the board for the treatment of chemical dependency. As a part of her treatment, Ms. Gunness must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least one time per week. In addition, Ms. Gunness must attend Alcoholics Anonymous or Narcotics Anonymous at least one time per week.
- ii. Upon request of the Board, Ms. Gunness must provide the Board with current releases complying with state and federal laws, authorizing release of her counseling, treatment, and monitoring records.
- iii. Ms. Gunness must remain free of alcohol and controlled substances not prescribed for a valid medical purpose during the period of limitation.
- iv. Ms. Gunness must participate in a program of random, supervised monitoring, on the basis of at least one time per week, for controlled substances and alcohol in her blood and/or urine. If the therapist supervising Ms. Gunness's plan of care deems that additional blood or urine screens are warranted, Ms. Gunness must submit to those 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 must agree to provide random and monitored gatherings of specimens for evaluation. It must further agree to file an immediate report with the Board of Nursing upon such failure 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 the request of the monitoring facility.

- v. Ms. Gunness shall arrange for written quarterly reports to the Board of Nursing from her employer evaluating her work performance; from her monitoring facility providing the dates and results of



the screenings performed; from her counselor, evaluating her attendance and progress in therapy; and from herself, reporting her attendance at A.A. or N.A. meetings.

vi. Ms. Gunness shall report to the Board within five (5) days of any change in her employment status.

(c) Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of this order may result in the summary suspension of Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations on Ms. Gunness's practice; or the imposition of other additional discipline.

(e) This order shall become effective fifteen (15) days following the date of its signing.

BOARD OF NURSING

By:

  
A Member of the Board

5-21-95  
Date

SMG:kcb  
882-777

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 JULIE SIGNE GUNNESS, R.N., : 92 NUR 082  
 RESPONDENT :  
 :

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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

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Regulation & Licensing  
Division of Enforcement

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. Guinness 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. Guinness' probationary status.

ii. Upon request of the Board, Ms. Guinness 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. Guinness shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Ms. Guinness 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. Guinness shall submit to such additional screens.

Ms. Guinness 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. Guinness fails to appear upon request; or if a drug or alcohol screen proves positive; or if Ms. Guinness refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Ms. Guinness understands and agrees that the accuracy of the monitoring obtained is her responsibility. For the purposes of further actions affecting Ms. Guinness' license, it shall be presumed that all confirmed positive reports are valid. Ms. Guinness 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. Guinness 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. Guinness shall provide her employer with a copy of any order granting an extension of stay under this Order within five (5) days of Ms. Guinness' 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 10/30/92  
A Member of the Board Date