

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 :
 : FINAL DECISION AND ORDER
DENNIS A KUCHENBECKER, RN, CRNA, : 91 NUR 190
RESPONDENT :
 : ORDER 0001775

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

Dennis A. Kuchenbecker
722 Westhaven Road
Chippewa Falls, WI 54729

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. Dennis A. Kuchenbecker, R.N., C.R.N.A. (D.O.B. 09/02/51) is duly licensed as a registered nurse in the state of Wisconsin (license # 71291). This license was first granted on September 29, 1978.
2. Mr. Kuchenbecker's most recent address on file with the Wisconsin Board of Nursing is 722 Westhaven Road, Chippewa Falls, WI 54729.
3. At all times relevant to this action, Mr. Kuchenbecker was working as a nurse anesthetist at Waupun Memorial Hospital, 620 West Brown Street, Waupun, Wisconsin.
4. The Board of Nursing has expressed specific concerns to Mr. Kuchenbecker over his provision of care on or about August 18, 1990 to patient RS, a 77 year old male receiving cardioversions. In resolution of this matter, Mr. Kuchenbecker acknowledges these concerns, and consents to the issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The Wisconsin Board of Nursing has authority to issue the following Order affecting the license of Dennis A. Kuchenbecker to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1) and Wis. Adm. Code §N7.03 and 7.04.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Dennis A. Kuchenbecker to practice as a registered nurse in the State of Wisconsin is hereby LIMITED as follows:

1. Within nine (9) months of the date of this order, Mr. Kuchenbecker shall obtain at least fifteen (15) hours of continuing education acceptable to the Board in the area of the responsibilities of a nurse anesthetist or in other areas acceptable to the Board.

In that Mr. Kuchenbecker has since September, 1990 completed continuing education significantly in excess of the minimum hours of continuing education required to maintain nurse anesthetist certification, the Board grants its approval of this coursework in satisfaction of the continuing education requirement set forth in this paragraph.

2. Mr. Kuchenbecker shall arrange for quarterly reports to the nursing Examining Board from his employer(s) evaluating his work performance for a period of one (1) year following the date of this order. In consideration of documentation received on Mr. Kuchenbecker's performance from his current work supervisor and in light of his voluntary change of employment to a setting involving increased supervision, the Board reduces the one (1) year reporting period by 6 months.

3. Mr. Kuchenbecker shall provide his employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order. During the period of time that the above-described limitations and conditions are in effect, Mr. Kuchenbecker shall provide any prospective employers with a copy of this Final Decision and Order.

Violation of any of the terms of this Order shall constitute grounds for summary suspension of Mr. Kuchenbecker's license or for the imposition of other additional discipline.

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

BOARD OF NURSING

By: Jacqueline Johnson RN MS 3/5/93
A member of the Board Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DENNIS A KUCHENBECKER, RN CRNA,	:	91 NUR 190
RESPONDENT	:	

It is hereby stipulated between Dennis A. Kuchenbecker, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Kuchenbecker's licensure by the Division of Enforcement (91 NUR 190). Mr. Kuchenbecker consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Kuchenbecker understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Kuchenbecker is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Mr. Kuchenbecker 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.

5. 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 the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the

Division of Enforcement [and, if applicable, the member of the Board of Nursing assigned as an advisor in this investigation] may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Kuchenbecker in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Dennis A. Kuchenbecker, RN C.R.N.A.
Dennis A. Kuchenbecker, R.N., C.R.N.A.

2/27/93
Date

Steven P. Sager
Steven P. Sager, Attorney for
Mr. Kuchenbecker

3-1-93
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

3-5-93
Date

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is March 8, 1993.