

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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**FINAL DECISION AND ORDER**

BRIAN K. WILLIAMS , L.P.N.,  
RESPONDENT.

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LS0401141NUR  
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The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Brian K. Williams, LPN  
1701 Highland Dr.  
Grafton, WI 53024

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. Brian K. Williams (dob: 4/5/61) is and was at all times relevant to the facts set forth herein a licensed practical nurse licensed in the State of Wisconsin pursuant to license #33601. This license was first granted 4/25/96. Respondent was previously reprimanded by the Board on 5/14/99 in file 98 Nur 170, for failure to administer prescribed medications to nursing home residents.
2. Over a period of several years, and while employed as a nurse at a number of locations, respondent experienced many occasions where nursing home residents refused the pills which were prescribed for them. Respondent would then place these pills in his pocket, and states that he often forgot that they were there until he arrived at home. Upon discovering them, he placed them in a box in his home. Respondent states that at no time did he administer any of these pills to himself or anyone else, or transfer them to any other person. Respondent has been diagnosed with depression, which the Board finds may have contributed to this conduct.
3. On 12/17/02, police were called to respondent's home as a result of a domestic dispute. Officers discovered the following pills in the box described in par. 2, above, and which was found in a cabinet in respondent's computer room: three oxycodone 10mg, one OxyContin 20mg, two oxycodone 5mg/ACET 325mg, one hydrocodone 5mg/ACET 500mg, three codeine 30mg/ACET 300mg, ten propoxyphene 100mg, one Darvocet, all of which are controlled substances, and two quetiapine 100mg, two Cipro, one Celebrex, five Levaquin, one sulfamethoxazole, two Augmentin, one furosemide, two Seroquel, a number of NSAIDs, and five bottles of lidocaine, all of which are prescription-only medications. Respondent did not have a prescription or other authorization to possess any of these medications.
4. Respondent was convicted on 3/14/03 in Milwaukee County Circuit Court, of violating §961.41(3g)(a)1., Wis. Stats., a felony, and was sentenced to 12 months in the House of Correction. That sentence was stayed and respondent was placed on 2 years probation, conditions of which are that he pay a fine and costs of \$300, that he undergo an AODA assessment and comply with any recommended treatment, that he not consume alcohol or any illegal drugs, or possess any prescription medication without a valid prescription, that he submit to random urine screens, and that he provide a DNA sample and separately pay the DNA surcharge of \$250. His driver license was also suspended for six months.

5. An AODA assessment of respondent resulted in the conclusion that there is no evidence that respondent is dependent or has abused medications or mood-altering substances.

### CONCLUSIONS OF LAW

A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to §441.07(1)(b)(c) and(d) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 2 to 4, above, violated § N 7.04(1) 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 Brian K. Williams, LPN, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license of respondent is LIMITED as follows: respondent shall complete a continuing education course of not less than four hours in proper administration of medication, appropriate handling of wasted medication (including controlled substances), and documentation of administering and wasting medication. The course shall have been pre-approved by the Board or its designee, through the Department Monitor. Respondent is responsible for finding and obtaining approval for the course, and for paying for all expenses associated with taking the course; he shall release all information regarding his enrollment, attendance, and performance to the Board and Department and their staff, including permission to discuss his attendance and performance with the course sponsors and instructors. The course shall be completed within six months of the date of this Order.

IT IS FURTHER ORDERED, that 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. EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, AND THE EMPLOYER MUST RECEIVE A WAIVER OF 21 CFR §1301.76 UNDER 21 CFR §1307.03 BEFORE EMPLOYING RESPONDENT. This provision shall not constitute a limitation on the license of respondent.

IT IS FURTHER ORDERED, that respondent shall provide a sample of urine, breath, blood, or hair, upon request of the Board or Department staff. The determination of what sample shall be provided, and the manner and mode of taking the sample, shall be made by the Board or Department staff. This provision shall not constitute a limitation on the license of respondent.

IT IS FURTHER ORDERED, that respondent shall pay partial costs of \$1,000, before his license is next renewed.

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnsrud  
Board Chair

4-22-04  
Date