

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
	:	
JANICE KAY KURTH, LPN	:	LS0405111NUR
RESPONDENT.	:	03 NUR 99

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

Janice Kurth LPN
N6067 Killdeer Ln
Green Lake, WI 54941

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. Janice Kay Kurth, f/k/a Janice Kay Levi (D.O.B. 1/9/52) is duly licensed in the state of Wisconsin as a nurse (license #12657). This license was first granted on 9/22/72. During all times material to the matters set forth herein, respondent was the Director of Resident Care/Admissions at the Pioneer Court nursing home in Beloit, Wisconsin.

2. On exact dates unknown, but at least during the fall of 2002 and winter of 2003, on multiple separate occasions respondent took and carried away an unknown amount of currency belonging to G.M., a patient with dementia who resided at Pioneer Court, with intent to permanently deprive G.M, the owner, of possession. The amount taken exceeds \$1,000. Respondent has been criminally convicted of felony theft for this series of incidents, in the Circuit Court for Rock County; sentence was withheld on July 28, 2004, and respondent was placed on probation for four years, on condition that she pay restitution totaling \$6,000, a fine of \$3,000, and costs.

CONCLUSIONS OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a nurse in the state of Wisconsin, pursuant to Wis. Stats. §441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.03(1)(a), (b), (c), (e), and N 7.04(1) and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Janice Kay Kurth, LPN, to practice as a nurse in the state of Wisconsin is **SUSPENDED** for one year, effective on the date of this Order. Respondent shall not practice nursing in Wisconsin without a valid license from the Board, including under any privilege under the Nursing Compact, while

suspended, nor shall she engage in any occupation which includes duties closely related to, or integrated with, nursing, such as being a nursing assistant or aide. Respondent shall surrender her credentials to the Department forthwith, or to any employee of the Department who requests them.

IT IS FURTHER ORDERED, that following this period of suspension, respondent's license is LIMITED in the following respects:

1. Respondent shall practice nursing only in a setting where she does not have access to patient cash, negotiable instruments, or other funds.
2. Respondent shall practice only under the general supervision of a licensed professional nurse or other licensed health care professional approved by the Board or in a work setting pre-approved by the Board or its designated agent, which shall not include agency or pool nursing, independent practice sites, or home health or hospice care nursing.
3. Respondent shall arrange for her employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, integrity, and trustworthiness.
4. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
5. 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 or in a health care setting.
6. Respondent shall comply with all conditions and rules of her criminal probation, and any violation of any such condition or rule shall constitute a violation of this Order.

IT IS FURTHER ORDERED: that respondent shall pay costs of \$900, within 30 days of this Order.

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 Respondent's license.

WISCONSIN BOARD OF NURSING

Jacqueline Johnsrud
A Member of the Board

9-16-04
Date