

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
HOLLY R. GERSTL, : LS0512082NUR  
RESPONDENT. :

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[Division of Enforcement Case # 05 NUR 055]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Holly R. Gerstl  
10163 W. Forest Home Avenue #206  
Hales Corners, WI 53130

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 of Nursing. 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. Holly R. Gerstl, Respondent, date of birth November 15, 1968, was licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 131634, which was first granted March 5, 1999. Respondent's license is currently suspended.

2. Respondent was also licensed by the Wisconsin Board of Nursing as a licensed practical nurse (LPN) in the state of Wisconsin pursuant to license number 31843, which was first granted May 21, 1993. Respondent has not renewed her LPN license since it expired on April 30, 1999.

3. Respondent's most recent address on file with the Department of Regulation and Licensing is 10163 W. Forest Home Avenue #206, Hales Corners, WI 53130.

4. On September 16, 2004, the Board issued a Final Decision and Order in the Disciplinary Proceedings against Holly R. Gerstl, R.N., case number LS0409164NUR. In that matter, the Board found:

a. On November 27, 2002, while employed through an agency as a registered nurse at the Waukesha Memorial Hospital Emergency Department, Respondent was observed to be impaired while on duty. Respondent refused to provide a sample of her urine at that time, however, a sample of her urine taken the day before was positive for benzodiazepines and THC. Respondent had smoked marijuana at a party on November 15, 2002. A check of medications dispensed to Respondent through the Pyxis system showed that the following medications

were taken by Respondent and could not be accounted for completely: diazepam, meperidine, butorphanol, ketorolac, and morphine. Respondent had a valid prescription for alprazolam, and denied taking the missing medications.

b. Following an evaluation at Aurora Psychiatric Hospital in the summer of 2003, Respondent was diagnosed with polysubstance dependence. Respondent admitted self-injecting and ingesting mood altering substances, primarily opioids, without prescription or authority, on a frequent and compulsive basis, and to abusing alcohol by binge drinking. Respondent had participated in treatment for her condition with a psychiatrist. Her health insurance ended in December 2003, and since that time, Respondent had continued to attend AA meetings.

c. On August 18, 2004, Respondent was employed as a registered nurse at the Milwaukee County Behavioral Health Division, Observation Unit. While on duty at approximately 2:00 a.m., Respondent was discovered unconscious in the medication room with a syringe placed in her arm. Respondent was treated with naloxone and responded quickly. Respondent was ultimately diagnosed with narcotic overdose, and benzodiazepines were also found in her urine. The physician noted that he recalled Respondent from a similar incident one year previous at another hospital.

5. The Board determined that Respondent's conduct as set out above was in violation of Wis. Adm. Code §§ N 7.03(2) and N 7.04(1), (2) and (15).

6. The Board ordered:

a. The suspension of Respondent's registered nurse license for an indefinite period.

b. That Respondent may apply for an initial stay, and then for consecutive three (3) month extensions of the stay of suspension upon compliance with conditions and limitations placed on Respondent's license. The limitation related to rehabilitation, monitoring, treatment and practice.

c. That Respondent shall not renew, or attempt to renew, her LPN license at any time, without express permission of the Board.

d. That Respondent pay partial costs of the proceeding in the amount of \$750.00 within 120 days of the date of the Order.

7. Respondent has not applied for any stay of the suspension of her registered nurse license and has not submitted payment of costs.

8. At approximately 7:00 p.m. on March 1, 2005, Respondent went to South Shore Manor, a nursing home in St. Francis, Wisconsin, in an attempt to obtain morphine. Respondent misrepresented herself as an inspector for the State of Wisconsin to gain access and enter restricted areas. Respondent told the nursing staff that she needed to inspect the refrigerator contingency boxes, where the medications requiring refrigeration are stored. When Respondent was told she would have to come back during the day, she left the facility.

9. Respondent then drove to Cameo Health Care, a nursing home in Milwaukee, Wisconsin, and again misrepresented herself as a State employee charged with inspecting the facility's contingency boxes. Respondent was allowed access to the medications and was left alone with them. Respondent subsequently stole multiple syringes containing narcotic drugs, including morphine (Schedule II controlled substances).

10. On March 2, 2005, as a result of the events of March 1, Respondent was arrested.

11. On March 7, 2005, Respondent was charged in Milwaukee County Wisconsin Circuit Court case number 2005CF001241 with two counts of violating Wis. Stat. § 961.43(1)(A), (Obtain Controlled Substance by Fraud), a class F Felony, for the conduct of March 1, 2005.

12. On July 26, 2005, Respondent pled guilty and was convicted of two counts of violating Wis. Stat. § 961.43(1)(A), (Obtain Controlled Substance by Fraud). A sentencing hearing is scheduled for October 24, 2005.

13. Wis. Stat. § 961.43(1)(A) is a law substantially related to practice under Respondent's license.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has violated a law substantially related to practice under license and obtained a drug as prohibited by law, and has committed misconduct and unprofessional conduct as defined by V Adm. Code § N 7.04(1) & (2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Holly R. Gerstl, Respondent, of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED.

2. The SURRENDER by Holly R. Gerstl, Respondent, of the right to renew her license as a licensed practical nurse in the state of Wisconsin is hereby ACCEPTED.

3. Respondent shall return to the Department her current RN registration card, as well as any and all other official indicia of licensure within her possession.

4. Should Respondent ever reapply for Wisconsin licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, this license may be reissued, including payment of the costs of this proceeding.

5. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: June A Bahr  
A Member of the Board

12/08/05  
Date