

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
STEPHANIE MINSHALL, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : LS0603099NUR

Division of Enforcement Case # 03 NUR 067

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

Stephanie Minshall, R.N.
6404 Lake Arbor Dr.
Independence, KY 41051

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

Board of Nursing
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Stephanie Minshall, R.N., (DOB 12/18/1964) was duly licensed as a registered nurse in the State of Wisconsin (license #30-139598). This license was first granted on September 20, 2001. It expired on February 29, 2004. Pursuant to Wis. Stat. § 440.08(3), she has a right to renew her license upon payment of fees until March 1, 2009.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is P.O. Box 404, Eads, Colorado. Her last known address reported to the investigator assigned to this case is 6404 Lake Arbor Drive, Independence, Kentucky.
3. At all times relevant to this action, Respondent was working as a registered nurse at St. Michael Hospital in Milwaukee, Wisconsin.

Diversion of Controlled Substances

4. In late February of 2003, it was discovered that records relating to a patient that Respondent cared for showed unaccounted for morphine withdrawals. In addition, Documentation showed that Respondent withdrew significantly more morphine for this patient than did other nurses who cared for him. Further investigation showed this to be the case with other patients as well.

5. On March 5, 2003, hospital officials met with Respondent and asked her to take a drug test.

6. Later that day Respondent admitted to a hospital official that she had been diverting morphine from St. Michael Hospital and had been using it on the job. Respondent stated that she had been diverting drugs from patients for approximately six months.

7. Another hospital official telephoned Respondent later that day. Respondent admitted to her that she had used morphine at work, and that she had withdrawn drugs for patients and used them herself.

8. Respondent's drug test was positive for Morphine.

Substandard Care of Patient

9. On January 21, 2003, patient S.B. was admitted with an intracranial bleed. He was assigned to Respondent's care.

10. On January 22, 2003, Respondent:

- a. left without giving a verbal report or allowing the nurse on the next shift an opportunity to discuss patient S.B.'s baseline neurological status;
- b. failed to document any ordered hourly neurological checks of patient S.B.;
- c. hung an IV infusion of insulin in place of the IV Labetalol ordered for patient S.B.;
- d. Failed to contact the physician to notify him of the medication error;
- e. Failed to complete an incident report regarding the medication error;
- f. Failed to obtain a co-signature for the vasoactive drip as required by hospital policy; and
- g. Failed to document at least one additional IV administration the same night.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 4-8 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. The conduct described in paragraphs 4-8 above constitutes a violation of Wisconsin Administrative Code § N 7.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

4. The conduct described in paragraphs 9-10 above constitutes a violation of Wisconsin Administrative Code §§ N 6.03 and 6.05 and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Board of Nursing accepts the surrender of the right to renew the license of Stephanie Minshall, R.N. (licen

30-139598), to practice as a nurse in the State of Wisconsin.

3. In the event that Ms. Minshall re-applies for Wisconsin licensure as a nurse in the future, the Board may enter a denying such application without further notice or hearing.

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

Dated at Madison, Wisconsin this 9th day of March, 2006.

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
STEPHANIE MINSHALL, R.N., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case # 03 NUR 067

Stephanie Minshall, R.N., personally on her own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 03 NUR 067). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to voluntarily surrender her right, pursuant to Wis. Stat. § 440.08(3), to renew her license to practice as a registered nurse in the State of Wisconsin. Respondent agrees that she will not reapply for Wisconsin licensure as a nurse at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a nurse, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent 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.

6. 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and

Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility in any capacity, she will be required to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

9. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

10. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Stephanie Minshall, R.N.
6404 Lake Arbor Dr.
Independence, KY 41051

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date