

# 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 DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
SHIRLEY J. FUNDERBURG, R.N.	:	LS0609145NUR
RESPONDENT.	:	

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Division of Enforcement Case # 03NUR231

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

Shirley J. Funderburg, R.N.  
5403 Byrd Avenue  
Racine, WI 53406

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 & 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 Wisconsin 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. Shirley J. Funderburg, R.N., (DOB 12/1/1952) is duly licensed as registered nurse in the state of Wisconsin (license #139256). This license was first granted on August 1, 2001.
2. Ms. Funderburg’s most recent address on file with the Wisconsin Board of Nursing is 5403 Bryd Avenue, Racine, Wisconsin 53406.
3. At all times relevant to this action, Respondent was working as a registered nurse at Ridgewood Care Center, 3205 Wood Road, Racine, Wisconsin.
4. In July 2003, Respondent exhibited unusual behavior such as punching out medication for a resident and then throwing the cup into the garbage, punching out medication without remembering and attempting to give a bolus tube feeding orally.

5. Prior to these incidents, Respondent was an exemplary employee.

6. Subsequently, Respondent was diagnosed with Multiple Sclerosis with significant cognitive disability. The errors cited in paragraph 4 above appear to involve cognitive issues which are a direct result of her disease.

7. Respondent is not currently practicing as a registered nurse and voluntarily agrees to resolution of this matter as set forth in the Order below.

### 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).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Shirley J. Funderburg may not practice nursing under her current license until she provides the Board of Nursing with a medical report from a then current treating physician that she may safely resume practice. Such report shall be reviewed by the Board and authorization provided to Shirley J. Funderburg in writing prior to resumption of practice.

2. Shirley J. Funderburg shall not renew her license to practice as a registered nurse in the State of Wisconsin upon expiration of her current license or at any time in the future until she provides the Board of Nursing with a medical report from a then current treating physician that she may safely resume practice. Such report shall be reviewed by the Board and authorization provided to Shirley J. Funderburg prior to resumption of practice.

3. Submission of all required documentation of costs shall be mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

IT IS FURTHER ORDERED, that the pending investigation 03 NUR 231 is hereby closed.

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (#139256) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufman  
] A Member of the Board

9/14/06  
Date