

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : |                          |
|                                   | : | FINAL DECISION AND ORDER |
| DEDA LYNN KREUZER, L.P.N.,        | : | LS0609148NUR             |
| RESPONDENT.                       | : |                          |

[Division of Enforcement Case # 03 NUR 257]

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

Deda Lynn Kreuzer, L.P.N.  
W192S7238 Hillside Drive  
Muskego, WI 53150

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. Deda Lynn Kreuzer, L.P.N., Respondent, date of birth October 26, 1959, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 23878, which was first granted May 29, 1981.
2. Respondent's last address reported to the Department of Regulation and Licensing is W192S7238 Hillside Drive Muskego, WI 53150.
3. On March 16, 2002, Respondent was charged with OWI (operating a motor vehicle while intoxicated) for driving with a blood alcohol level of .20. She was convicted of the charge on June 4, 2002. The assessment performed following the conviction concluded that she had a suspected recurrent alcohol dependency.
4. In July 2002, Respondent was terminated from her employment as a licensed practical nurse at Tudor Oaks Health Center, a nursing home in Muskego, Wisconsin. That employment disciplinary action was taken because Respondent had noted that narcotics were taken from supplies to provide to patients, but Respondent had not documented she actually administered the narcotics to patients. Respondent contends that she did not withhold medication from patients or divert medication for her own use. She admits that she occasionally failed to document the use of narcotics.
5. On August 8, 2002, Respondent self-reported to the Department of Regulation and Licensing (Department) that she had relapsed and was abusing narcotic analgesics which she had obtained by prescriptions issued for menstrual cramps

and a broken ankle. She requested, and was accepted for, participation in the Impaired Professionals Procedure (IPP), a non-disciplinary monitoring program that may be offered to credential holders with alcohol and/or drug issues, which allows participants to obtain treatment and ongoing aftercare while returning to safe practice.

a. On September 3, 2002, Respondent signed an “Agreement for Participation” in IPP, consenting to abide by various conditions set out in the contract:

- 1) The conditions related to rehabilitation, monitoring, treatment and practice.
- 2) Respondent agreed to submit to random, monitored alcohol and drug screens at least 60 times per year.
- 3) Respondent agreed to attend therapy sessions at least 4 times a month.
- 4) Respondent agreed to be abstinent of alcohol, controlled substances and prescription drugs not prescribed for a valid medical purpose.
- 5) Within 3 days of prescribing a mood altering medication to her, her physician was to submit a written report to IPP.

b. In November 2002, Respondent used alcohol in violation of her abstinence agreement and reported this to her therapist.

c. In early February 2003, Respondent again drank alcohol in violation of her abstinence agreement and was sent home from work because her employer detected the odor of alcohol on her breath. Respondent reported this to IPP and on February 10, 2003, IPP sent Respondent a letter informing her that she was required to begin a relapse prevention program as determined by her therapist.

d. An April 28, 2003 report from Respondent’s therapist said she had attended therapy groups only on 2/6, 2/13, 2/20, 3/6 and 3/27. This infrequent attendance was in violation of Respondent’s agreement.

e. Urine screens on April 23 and 30 were positive for oxycodone, a schedule II controlled substance. IPP had received no report from a physician indicating that oxycodone had been prescribed to Respondent.

f. On May 1, 2003, Respondent had her first therapy session since March 27 and reported that she had been using alcohol in violation of her abstinence agreement.

g. Although Respondent had been in noncompliance with her agreement, on May 20, 2003, Respondent sent IPP a letter which stated she had complied with all IPP conditions and requested a reduction in the number of urine screens because she couldn’t afford them.

h. On June 9, 2003, IPP sent a letter to Respondent informing her that drug screens on April 23 and April 30 were positive for oxycodone and that she must provide a physician’s prescription for the oxycodone. The letter also noted Respondent’s failure to submit required reports and that further failures to comply with the conditions of IPP could result in her dismissal from the program.

i. A June 12, 2003 report from Respondent’s therapist said Respondent had attended therapy groups only on May 1. Although this infrequent attendance was in violation of Respondent’s agreement, on June 9, 2003, Respondent had reported that she was attending therapy as required and again requested a reduction of urine screens.

j. In response to IPP’s request for a prescription for the oxycodone which was discovered by the urine tests in April 2003, Respondent submitted a copy of a May 2002 prescription for 50 units of oxycodone, with no refills.

k. On July 11, 2003, Respondent was charged with OWI and was convicted of the charge on August 4, 2003. Respondent’s self report to IPP on September 10 stated she was remaining abstinent and attending therapy as required, neither of which was true.

l. On October 8, 2003, IPP wrote a letter to Respondent informing her that the Board had dismissed her from IPP based on substantial violations of her “Agreement for Participation” and referred the matter to DOE for investigation and possible prosecution. Investigative file 03 NUR 257 was opened on November 10, 2003.

6. On January 4, 2005, Respondent was charged with third offense OWI. She was convicted of the charge and on January 6, 2006, was sentenced to 40 days in jail with Huber release.

7. On January 11, 2005, as part of her bail conditions, Respondent was ordered to participate in the Intoxicated Driver Intervention Program offered through Wisconsin Community Services, Inc. (WCS), in Waukesha, Wisconsin. The

WCS program monitors attendees' progress through the Driver Safety Plan assessment and/or AODA treatment.

- a. Respondent was initially required to attend two office appointments and to submit to two Preliminary Breath Tests (PBTs) per week.
- b. On February 10, 2005, Respondent was determined to be fully compliant with all of the program standards and was allowed to reduce her office visits to once per week.
- c. Respondent completed the program on January 6, 2006. During this period, Respondent submitted to 46 random PBTs, all of which were negative of alcohol.

8. On June 14, 2005, Respondent enrolled in an intensive outpatient treatment program at Waukesha Memorial Hospital Behavioral Medicine Center in Waukesha, Wisconsin. Respondent was diagnosed with Alcoholism and participated in both individual and group sessions. Respondent completed the program on November 28, 2005 with a recommendation that she continue attending AA support groups.

9. Respondent is currently participating in an approved drug and alcohol monitoring program. Respondent is participating in a drug and alcohol treatment program with an approved provider.

## **CONCLUSIONS OF LAW**

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

2. Respondent, by her conduct, has abused substances to an extent that such use impairs her ability to safely or reliably practice, as defined by Wis. Admin. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

## **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

## **SUSPENSION**

- A.1. The license of Deda Lynn Kreuzer, L.P.N., to practice as a licensed practical nurse in the State of Wisconsin is SUSPENDED for an indefinite period.
- A.2. Respondent shall mail or physically deliver all indicia of nursing licensure to the Department Monitor within 14 days of the effective date of this order.
- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active nursing for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.4. for return of full licensure.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

## **STAY OF SUSPENSION**

- B.1. The suspension is hereby stayed based upon Respondent having provided proof, which was determined by the Board or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
  - (a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
  - (b) Actual notice to Respondent or Respondent's attorney.

- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

## CONDITIONS AND LIMITATIONS

### Treatment Required

- C.1. Respondent shall enter into, and shall continue, in a drug and alcohol treatment program at a treatment facility (Treater) acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than twice per month for the first year. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

### Releases

- C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

### AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

### Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee.
- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.
- C.11. Respondent shall report all medications and drugs, over-the-counter or prescription, taken by Respondent to Treater

and the Department Monitor within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.

#### Drug and Alcohol Screens

- C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.
- C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.14. The Approved Program shall require the testing of urine specimens at a frequency of not less than 56 times per year, for the first year of this Order. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.15. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
- C.17. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
- C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

#### Practice Limitations

- C.19. Respondent shall not work as a nurse or other health care provider in a setting in which Respondent has access to controlled substances.
- C.20. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- C.21. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.
- C.22. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active nursing practice worked during that quarter.
- C.23. 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.

#### MISCELLANEOUS

##### Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
department.monitor@drl.state.wi.us

#### Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

#### Change of Treater or Approved Program by Board

- D.3. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

#### Petitions for Modification of Limitations or Termination of Order

- D.4. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

#### Costs of Compliance

- D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

#### Costs of Proceeding

- D.6. Respondent shall pay costs of \$702.00 to the Department of Regulation and Licensing within 120 days of this Order. In the event Respondent fails to timely submit any payment of costs, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

#### Additional Discipline

- D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

Wisconsin Board of Nursing

By: Marilyn Kaumann  
A Member of the Board

9/14/06  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

|                                   |   |              |
|-----------------------------------|---|--------------|
| IN THE MATTER OF THE DISCIPLINARY | : |              |
| PROCEEDINGS AGAINST               | : |              |
|                                   | : | STIPULATION  |
| DEDA LYNN KREUZER, L.P.N.,        | : | LS _____ NUR |
| RESPONDENT.                       | : |              |

[Division of Enforcement Case # 03 NUR 257]

It is hereby stipulated and agreed, by and between Deda Lynn Kreuzer, L.P.N., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (file 03 NUR 257). 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 advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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.
5. 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 the consideration of this attempted resolution.
6. Attached to this Stipulation are Respondent’s current wall and wallet registration certificates. If the Board accepts the Stipulation, upon issuance of an Order, Respondent’s license may be reissued pursuant to the terms of the Order. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the Stipulation.
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
8. 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.
9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue



the attached Final Decision and Order.

\_\_\_\_\_  
Deda Lynn Kreuzer, L.P.N.  
Respondent  
W192S7238 Hillside Drive  
Muskego, WI 53150

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date

[03 NUR 257: Costs \$702.00]