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IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
 :
DONNA L. McCURE, R.N., : LS-0607191-NUR
RESPONDENT. :

Division of Enforcement Case #04 NUR 369

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

Donna L. McCure, RN
4500 S. 124th St. #7
Greenfield, WI 53228-2483

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

PROCEDURAL HISTORY

A formal Complaint has been filed in this matter, an Answer was also filed. 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. Donna L. McCure (dob: 9/22/56) is and was at all times relevant to the facts set forth herein a professional nurse licensed in the State of Wisconsin pursuant to license #121991. This license was first granted 2/14/96.
2. In October, 2004, and while employed as a professional nurse at an Advanced Healthcare S.C., urgent care clinic in Milwaukee, Wisconsin, Respondent diverted the prescription medication Ultracet®, from the clinic's supply of sample medications, for her personal use, without prescription or other authorization. This medication contains tramadol, which is metabolized by the body into opioids; it is often abused by persons who are opioid dependent; Respondent had for several years been taking prescribed tramadol, hydrocodone, and oxycodone products for episodes of acute pain, as well as tramadol and a neuromodulator for persistent neck pain and recurring headaches.
3. Following evaluations, Respondent was diagnosed with substance abuse. Recommendations were made for treatment, including for related conditions.
4. Respondent desires to surrender her license at this time, for personal reasons.

CONCLUSIONS OF LAW

- A. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07(1)(b), (c), and (d), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- B. The conduct described in paragraph 2, above, violated Wis. Adm. Code § N 7.04(1), (2) and (15). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, effective the date of this Order, the SURRENDER of the license of Donna L. McCure, R.N., to practice nursing, including the privilege to practice nursing in Wisconsin under the Nurse Licensure Compact, is ACCEPTED, effective 3/5/07 at 11:59 PM. Respondent shall mail or physically deliver all indicia of nursing licensure to the Department, forthwith. Respondent shall not practice nursing in Wisconsin without a valid Wisconsin license.

IT IS FURTHER ORDERED, that Respondent may apply for reinstatement at any time. Reinstatement, if granted at all, may be subject to such terms and conditions as the Board may, in its sole discretion, determine to be appropriate, including the terms and conditions customarily used in cases involving nurses with substance abuse or diversion histories, at the time of reinstatement, and may further be conditioned upon Respondent's payment of the balance of the actual Costs in this matter, of \$2150 (in addition to the \$450 required to be paid, below), plus statutory interest from the date of this Order.

IT IS FURTHER ORDERED, Respondent shall pay partial costs of \$450, to the Department of Regulation and Licensing, on or before January 4, 2008.

Dated at Madison, Wisconsin this March 1, 2007.

Marilyn Kaufmann
Chairperson
Board of Nursing