

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JESSICA M. CURRAN, R.N.,	:	LS0801241NUR
RESPONDENT.	:	

[Division of Enforcement Case # 07 NUR 297]

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

Jessica M. Curran, R.N.  
411 S. Cherry Avenue #A  
Marshfield, WI 54449

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. Jessica M. Curran, R.N., Respondent, date of birth October 9, 1979, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 150108, which was first granted February 3 2005.
2. Respondent's address of record with the Department of Regulation and Licensing is 411 S. Cherry Avenue #A Marshfield, WI 54449.
3. At all times relevant to this matter, Respondent was employed as a registered nurse at St. Joseph's Hospital Ministry Health Care in Marshfield, Wisconsin.
4. On August 23, 2007, Respondent's employer discovered that Respondent had removed and returned multiple vials of Versed from the Pyxis system. (Versed is a benzodiazepine derivative, and a powerful sedative). The unusual activity prompted the employer to review Respondent's patient charts and Pyxis records.
5. The employer's review of records pertaining to August 1, 2007 through August 23, 2007 produced evidence of the following irregularities:
  - a. August 8, 2007: Respondent removed 4 mg of Versed from the Pyxis system and dispensed 3 mg to the patient. Respondent could not account for 1 mg of the Versed. Upon questioning, Respondent explained

that she tries to waste unused medications right away. However, sometimes she is not able to waste the drugs immediately and then cannot recall the name of the patient for whom the medication was removed. In those instances, Respondent wastes the medication without documenting in Pyxis. The employer's policy requires an incident report for each occurrence of this type. Respondent has never completed the required incident report.

- b. August 13, 2007: Respondent removed 2 mg Dilaudid and Respondent could not account for .8 mg. Respondent removed 2 mg of Versed, for which there was no accounting. Respondent said that another nurse might have taken over for her and/or the medication might have been administered but not charted.
- c. August 20, 2007: Respondent removed 50 mg of Fentanyl which were not accounted for in patient records, nor documented as wasted. Respondent could offer no explanation.
- d. August 22, 2007: Respondent discovered that 10 oxycontin tablets were missing from the Pyxis drawer. Respondent reported the missing medication, but could not explain what happened.
- e. August 22, 2007: Respondent removed 2 hydrocodone tablets from the Pyxis system and there was no documentation to explain what happened to the tablets. Respondent recalled that she gave the hydrocodone to the patient immediately before discharge but did not chart the fact that the medication had been dispensed.
- f. On August 23, 2007: Respondent's employer searched her locker. In Respondent's lab coat pocket, the employer found 2 syringes, one each of Fentanyl and Versed. The syringes were labeled with the name of a patient who had been discharged two weeks earlier. Respondent explained that she had taken over for another nurse and the nurse had handed the syringes to Respondent. Respondent does not frequently wear her lab coat and forgot the syringes were there.

6. On August 31, 2007, Respondent was discharged from her employment based on multiple breaches of hospital policy including: improper removal of medications from Pyxis; improper documentation of wasting medications; improper wasting practices; and improper charting.

7. Respondent denies that she has diverted or otherwise improperly taken medications through her employment as a nurse. She states that she does not have a drug addiction problem. She admits that she failed to properly document patient charts. Respondent explains that her former work unit was fast-paced, disorganized and understaffed. As a result, she says nurses commonly removed, administered and wasted medications for other nurses, and mistakes are made.

### 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 committed negligence as defined by Wis. Adm. Code § N 7.03(1)(b) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(c).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Jessica M. Curran, R.N., is hereby REPRIMANDED for the above conduct.
2. Respondent's license is LIMITED as follows:
  - a. Within 180 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of six (6) hours of continuing education in the following areas: three (3) hours in documentation/charting and three (3) hours in time management, which course(s) shall first be approved by the Board, or its designee.
  - b. Upon Respondent providing proof sufficient to the Board, or its designee, that she has completed the

education, the Board shall issue an Order removing this limitation of Respondent's license.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$550.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

1/24/08  
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JESSICA M. CURRAN, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 07 NUR 297]

It is hereby stipulated and agreed, by and between Jessica M. Curran, R.N., Respondent; and Sandra L. Nowack, 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 07 NUR 297). 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. 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 the Respondent or her attorney, if any, 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.
7. 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.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Jessica M. Curran, R.N.  
Respondent  
411 S. Cherry Avenue #A  
Marshfield, WI 54449

Date

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Sandra L. Nowack  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date