

# 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

SUSAN LOWNIK, R.N., :  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS0801291NUR

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Division of Enforcement Case # 04NUR067

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

Susan Lownik, R.N.  
15601 W. Brook Dr.  
New Berlin, WI 53146

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Board of Nursing on 1/29/08. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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. Susan Lownik, date of birth 11/22/53, is duly licensed as a registered professional nurse in the state of Wisconsin, license # 64420-30. This license was first granted on 4/9/76.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 15601 West Brook Drive, New Berlin, Wisconsin 53146.
3. At all times relevant to this action, Respondent was working as a registered professional nurse at West Allis Memorial Hospital in West Allis, Wisconsin.

## COUNT I

4. The patient, SAP, was admitted to the West Allis Memorial Hospital on 2/24/04 for a delayed left breast reconstruction following a left breast mastectomy and for a prophylactic right mastectomy and reconstruction. The surgeries were performed on 2/24/04. The patient was discharged from the West Allis Memorial Hospital on 3/1/04.
5. On 2/27/04, the patient's physician entered an order for "Vicodin tab 1 – 2 q 4 hrs. prn pain".
6. Respondent provided nursing care for the patient on the evening of 2/27/04 and on the morning of 2/28/04 and again on the evening of 2/28/04 and on the morning of 2/29/04.
7. During Respondent's shift on the evening of 2/27/04 and the morning of 2/28/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:
  - 2 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 23:50:08 p.m. on 2/27/04
8. The patient's medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:
  - 1 – hydrocodone/apap 5 - 500 mg. (Vicodin) at 00:00 a.m. on 2/28/04
9. The patient's medical records do not document that the Respondent administered to the patient the second tablet of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by the Respondent from the Acudose machine at 23:50:08 p.m. on 2/27/04. The records also do not document that this second tablet of hydrocodone/apap was wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of this second tablet of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by her from the Acudose machine for the patient.
10. During Respondent's shift on the evening of 2/28/04 and the morning of 2/29/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:
  - 2 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 21:10:36 p.m. on 2/28/04
  - 2 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 01:43:01 a.m. on 2/29/04
  - 2 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 06:39:02 a.m. on 2/29/04
11. The patient's medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:
  - 2 – hydrocodone/apap 5 – 500 mg. at 02:00 a.m. on 2/29/04
12. The patient's medical records do not document that the Respondent administered to the patient any of the remaining 4 tablets of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by the Respondent from the Acudose machine for the patient on the evening of 2/28/04 and on the morning of 2/29/04. The records also do not document that these 4 tablets of hydrocodone/apap 5 -500 mg. (Vicodin) were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of these 4 tablets of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by her from the Acudose machine for the patient.
13. Hydrocodone/apap 5 - 500 mg. (Vicodin) is a schedule III controlled substance as defined in Wis. Stat. § 961.18(5)(d) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

## COUNT II

14. The patient, CR, was admitted to the West Allis Memorial Hospital on 2/26/04 with a diagnosis of term intrauterine pregnancy with a history of a prior cesarean section delivery. The patient had a cesarean section delivery on 2/26/04. The patient was discharged from the West Allis Memorial Hospital on 3/1/04.

15. On 2/26/04, the patient's physician entered an order for "oxycodone/acetaminophen 5/325 (Percocet) 1 – 2 tablets po q 4 – 6 hours prn more severe pain".

16. Respondent provided nursing care for the patient on the evening of 2/27/04 and on the morning of 2/28/04 and again on the evening of 2/28/04 and on the morning of 2/29/04.

17. During Respondent's shift on the evening of 2/27/04 and the morning of 2/28/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

2 – oxycodone/apap 5 – 325 mg. (Percocet) at 19:50:32 p.m. on 2/27/04

2 – oxycodone/apap 5 – 325 mg. (Percocet) at 23:24:47 p.m. on 2/27/04

18. The patient's medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

2 – oxycodone/apap 5 – 325 mg. (Percocet) at 19:30 p.m. on 2/27/04

19. The patient's medical records do not document that the Respondent administered to the patient either of the 2 remaining oxycodone/apap 5 – 325 mg. (Percocet) tablets the Respondent obtained from the Acudose machine at 19:50:32 p.m. and 23:24:47 p.m. on 2/27/04. The records also do not document that these 2 remaining tablets of oxycodone/apap 5 – 325 mg. (Percocet) were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of these 2 remaining tablets of oxycodone/apap 5 – 325 mg. (Percocet) obtained by her from the Acudose machine for the patient.

20. During Respondent's shift on the evening of 2/28/04 and the morning of 2/29/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 21:34:02 p.m. on 2/28/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 00:19:33 a.m. on 2/29/04

21. The patient's medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 23:00 p.m. on 2/28/04

22. The patient's medical records do not document that the Respondent administered to the patient the remaining 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) obtained by the Respondent from the Acudose machine for the patient at 00:19:33 a.m. on 2/29/04. The records also do not document that this 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) was wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of this 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) obtained by her from the Acudose machine for the patient.

23. Oxycodone/apap 5 – 325 mg. (Percocet) is a schedule II controlled substance as defined in Wis. Stat. § 961.16(2)(a)(11) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

## COUNT III

24. The patient, BAR, was admitted to the West Allis Memorial Hospital on 3/12/04 with a diagnosis of intrauterine pregnancy at term. The patient had a history of prior cesarean section delivery. The patient had a repeat cesarean section delivery followed by a tubal ligation on 3/12/04. The patient was discharged from the West Allis Memorial Hospital on 3/15/04.

25. On 3/12/04, the patient's physician entered an order for "hydrocodone bitartrate/apap 7.5 mg./500 mg. 1 or 2

tabs q 4 hours prn pain”.

26. Respondent provided nursing care for the patient on the evening of 3/13/04 and on the morning of 3/14/04.

27. During Respondent’s shift on the evening of 3/13/04 and the morning of 3/14/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 21:58:44 p.m. on 3/13/04

2 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 00:39:22 a.m. on 3/14/04

2 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 07:09:45 a.m. on 3/14/04

28. The patient’s “Postpartum Assessment Flowsheet” documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

1 – Vicodin at 07:00 a.m. on 3/14/04

29. The patient’s medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

1 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 01:00 a.m. on 3/14/04

1 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 07:00 a.m. on 3/14/04

30. The patient’s medical records do not document that the Respondent administered to the patient the remaining 3 tablets of hydrocodone/apap 7.5 - 500 mg. (Vicodin) obtained by the Respondent from the Acudose machine at 21:58:44 p.m. on 3/13/04 and at 00:39:22 a.m. and 07:09:45 a.m. on 3/14/04. The records also do not document that these 3 remaining tablets of hydrocodone/apap 7.5 – 500 mg. (Vicodin) were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of these 3 remaining tablets of hydrocodone/apap 7.5 – 500 mg. (Vicodin) obtained by her from the Acudose machine for the patient.

31. Hydrocodone/apap 7.5 – 500 mg. (Vicodin) is a schedule III controlled substance as defined in Wis. Stat. § 961.18(5)(d) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

#### COUNT IV

32. The patient, GFO, was admitted to the West Allis Memorial Hospital on 3/17/04 with a diagnosis of term intrauterine pregnancy, arrest of descent. The patient had a cesarean section delivery on 3/18/04. The patient was discharged from the West Allis Memorial Hospital on 3/22/04.

33. On 3/18/04, the patient’s physician entered an order for “oxycodone/acetaminophen 5/325 (Percocet) 1 or 2 tabs q 4 – 6 hours prn more severe pain”.

34. Respondent provided nursing care for the patient on the evening of 3/19/04 and on the morning of 3/20/04 and again on the evening of 3/20/04 and on the morning of 3/21/04.

35. During Respondent’s shift on the evening of 3/19/04 and the morning of 3/20/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 01:29:16 a.m. on 3/20/04

36. During Respondent’s shift on the evening of 3/20/04 and the morning of 3/21/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 22:50:39 p.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 03:54:18 a.m. on 3/21/04

37. The patient’s medical records do not document that the Respondent administered to the patient any of the 3 tablets of oxycodone/apap 5 – 325 mg. (Percocet) she obtained for the patient from the Acudose machine on either of the 2 shifts identified in paragraphs 35 and 36 above. The records also do not document that these 3 tablets of oxycodone/apap 5 – 325 mg. were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The

Respondent failed to document the disposition of these 3 tablets of oxycodone/apap 5 – 325 mg. obtained by her from the Acudose machine for the patient.

38. Oxycodone/apap 5 – 325 mg. (Percocet) is a schedule II controlled substance as defined in Wis. Stat. § 961.16(2)(a)(11) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

#### COUNT V

39. The patient, MLS, was admitted to the West Allis Memorial Hospital on 3/19/04 with a diagnosis of term intrauterine pregnancy, breech presentation. The patient had a history of a prior cesarean section delivery. The patient had a repeat cesarean section delivery on 3/19/04. The patient was discharged from the West Allis Memorial Hospital on 3/22/04.

40. On 3/20/04, the patient's physician entered an order for "Vicodin 5/500 1 – 2 po q 6 hours prn or Percocet 5/325 1 - 2 po q 6 hours prn; and Ibuprofen 800 mg. po q 8 hours prn".

41. Respondent provided nursing care for the patient on the evening of 3/20/04 and on the morning of 3/21/04.

42. During Respondent's shift on the evening of 3/20/04 and the morning of 3/21/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 21:15 p.m. on 3/20/04

1 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 02:59:32 a.m. on 3/21/04

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 05:39:31 a.m. on 3/21/04

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 06:02:46 a.m. on 3/21/04

43. The patient's "Postpartum Assessment Flowsheet" documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

1 – Vicodin at 00:40 a.m. on 3/21/04

1 – Vicodin at 06:00 a.m. on 3/21/04

44. The patient's medication administration record documents that the patient was administered the following drugs in the amounts and on the dates at the times indicated:

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 00:40 a.m. on 3/21/04

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 06:00 a.m. on 3/21/04

45. The patient's medical records do not document that the Respondent administered to the patient the tablet of hydrocodone/apap 7.5 – 500 mg. (Vicodin) obtained from the Acudose machine at 02:59:32 a.m. on 3/21/04 or the extra tablet of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by the Respondent from the Acudose machine at either 05:39:31 a.m. or 06:02:46 a.m. on 3/21/04. The records also do not document that these tablets of hydrocodone/apap (Vicodin) were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of the 1 tablet of hydrocodone/apap 7.5 - 500 mg.(Vicodin) and the 1 extra tablet of hydrocodone/apap 5 – 500 mg. (Vicodin) obtained by her from the Acudose machine for the patient.

46. Hydrocodone/apap 5 - 500 mg. (Vicodin) and hydrocodone/apap 7.5 - 500 mg. (Vicodin) are schedule III controlled substances as defined in Wis. Stat. § 961.18(5)(d) and are drugs within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

#### COUNT VI

47. The patient, KLK, was admitted to the West Allis Memorial Hospital on 3/19/04 with a diagnosis of term intrauterine pregnancy with a history of a gestational hypertension. The patient had a spontaneous vaginal delivery on 3/19/04. The patient was discharged from the West Allis Memorial Hospital on 3/21/04.

48. On 3/19/04, the patient's physician entered an order for "oxycodone 5 mg./acetaminophen 325 mg. (Percocet) 1 – 2 tabs po q 3 – 4 hours prn pain".

49. Respondent provided nursing care for the patient on the evening of 3/19/04 and on the morning of 3/20/04 and

again on the evening of 3/20/04 and on the morning of 3/21/04.

50. During Respondent's shift on the evening of 3/19/04 and the morning of 3/20/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 03:06:39 a.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 05:48:45 a.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 07:42:47 a.m. on 3/20/04

51. During Respondent's shift on the evening of 3/20/04 and the morning of 3/21/04, the Respondent withdrew from the Acudose machine for administration to the patient the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 20:01:50 p.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 04:25:52 a.m. on 3/21/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 06:03:53 a.m. on 3/21/04

52. The patient's medical records do not document that the Respondent administered to the patient any of the 6 tablets of oxycodone/apap 5 – 325 mg. (Percocet) she obtained for the patient from the Acudose machine on either of the 2 shifts identified in paragraphs 50 and 51 above. The records also do not document that these 6 tablets of oxycodone/apap 5 – 325 mg. (Percocet) were wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of these 6 tablets of oxycodone/apap 5 – 325 mg. (Percocet) obtained by her from the Acudose machine for the patient.

53. Oxycodone/apap 5 – 325 mg. (Percocet) is a schedule II controlled substance as defined in Wis. Stat. § 961.16(2)(a)(11) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

## COUNT VII

54. The patient, TLS, was admitted to the West Allis Memorial Hospital on 3/19/04 with a diagnosis of term intrauterine pregnancy. The patient had a spontaneous vaginal delivery on 3/19/04. The patient was discharged from the West Allis Memorial Hospital on 3/21/04.

55. On 3/19/04, the patient's physician entered an order for "oxycodone 5 mg./acetaminophen 325 mg. (Percocet) 1 – 2 tabs po q 3 – 4 hours prn pain".

56. Respondent did not have primary responsibility for providing nursing care for the patient on the evening of 3/20/04 and on the morning of 3/21/04 but was providing nursing care for other patients at the West Allis Memorial Hospital on this shift.

57. During Respondent's shift on the evening of 3/20/04 and the morning of 3/21/04, the Respondent withdrew from the Acudose machine for administration to the patient, TLS, the following drugs in the amounts and on the dates and at the times indicated:

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 06:42:28 a.m. on 3/21/04

58. The patient's medical records do not document that the Respondent administered to the patient the 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) she obtained for the patient, TLS, from the Acudose machine at 06:42:28 a.m. on 3/21/04. The records also do not document that this 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) was wasted, returned to the Acudose machine or the pharmacy or accounted for by any other means. The Respondent failed to document the disposition of this 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) obtained by her from the Acudose machine for the patient, TLS.

59. Oxycodone/apap 5 – 325 mg. (Percocet) is a schedule II controlled substance as defined in Wis. Stat. § 961.16(2)(a)(11) and is a drug within the meaning of Wis. Admin. Code § N7.02(2), and Wis. Stat. § 450.01(10).

## COUNT VIII

60. On the evening of 3/20/04 and the morning of 3/21/04, the Respondent was working as a registered nurse at the West Allis Memorial Hospital and had responsibility to provide nursing care to patients assigned to her for that shift.

61. At 06:42:28 a.m. on 3/21/04, Respondent accessed the Acudose machine and dispensed 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) in the name of a patient, TLS.

62. Respondent was not assigned to provide nursing care services for the patient, TLS, on the evening of 3/20/04 or on the morning of 3/21/04.

63. Respondent, after obtaining the 1 tablet of oxycodone/apap 5 – 325 mg. (Percocet) from the Acudose machine in the name of the patient, TLS, placed the tablet in her pocket and proceeded directly to the newborn nursery. Respondent did not administer the tablet of oxycodone/apap 5- 325 mg. (Percocet) to the patient, TLS.

64. The charge nurse on duty on the evening of 3/20/04 and on the morning of 3/21/04 noted what she believed to be the suspicious activities of the Respondent and contacted the night shift nursing supervisor. The night shift nursing supervisor contacted the loss prevention officers and then confronted the Respondent with regard to her activities.

65. The Respondent consented to a search of her pockets. The night shift nursing supervisor searched the Respondent's pockets and found 1 Ibuprofen, 2 Vicodin tablets and 2 Percocet tablets. Each of the tablets removed from Respondent's pockets was contained in an individually sealed bubble pack with the label on each bubble pack indicating the name of the drug contained in the bubble pack.

66. A review of the Acudose machine records for the evening of 3/20/04 and the morning of 3/21/04 disclosed that Respondent had dispensed from the Acudose machine in the names of specific patients the following drugs on the dates and at the times indicated:

### Patient KLK

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 20:01:50 p.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 04:25:52 a.m. on 3/21/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 06:03:53 a.m. on 3/21/04

### Patient GFO

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 22:50:39 p.m. on 3/20/04

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 03:54:18 a.m. on 3/21/04

### Patient MLS

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 21:15 p.m. on 3/20/04

1 – hydrocodone/apap 7.5 – 500 mg. (Vicodin) at 02:59:32 a.m. on 3/21/04

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 05:39:31 a.m. on 3/21/04

1 – hydrocodone/apap 5 – 500 mg. (Vicodin) at 06:02:46 a.m. on 3/21/04

### Patient TLS

1 – oxycodone/apap 5 – 325 mg. (Percocet) at 06:42:28 a.m. on 3/21/04

67. All of the tablets of hydrocodone/apap (Vicodin) and oxycodone/apap (Percocet) as enumerated in paragraph 66 above were not documented in the respective patient records as having been administered to the patients, except that 2 tablets of hydrocodone/apap 5 – 500 mg. (Vicodin) were documented as administered to the patient MLS.

68. Respondent admitted that the 2 tablets of Percocet and the 2 tablets of Vicodin found in her pocket during the search performed by the night shift nursing supervisor had been obtained by her from the Acudose machine for her own personal use and not for administration to the patients. Respondent recorded on the intervention questionnaire completed in conjunction with this incident, "Took 2 Perc and 2 Vic for own purposes" and signed her name, "Susan Lownik", to this statement.

69. Oxycodone/apap 5 – 325 mg. (Percocet) is a schedule II controlled substance as defined in Wis. Stat. §



961.16(2)(a)(11) and is a drug within the meaning of Wis. Admin. Code § N7.04(2) and § N7.02(2), and Wis. Stat. § 450.01(10).

70. Hydrocodone/apap 5 - 500 mg. (Vicodin) and hydrocodone/apap 7.5 - 500 mg. (Vicodin) are schedule III controlled substances as defined in Wis. Stat. § 961.18(5)(d) and are drugs within the meaning of Wis. Admin. Code § N7.04(2) and § N7.02(2), and Wis. Stat. § 450.01(10).

### 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. Respondent's conduct as described in paragraphs 4 through 13 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

3. Respondent's conduct as described in paragraphs 14 through 23 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

4. Respondent's conduct as described in paragraphs 24 through 31 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

5. Respondent's conduct as described in paragraphs 32 through 38 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

6. Respondent's conduct as described in paragraphs 39 through 46 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

7. Respondent's conduct as described in paragraphs 47 through 53 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

8. Respondent's conduct as described in paragraphs 54 through 59 of the Findings of Fact was conduct contrary to Wis. Stat. § 441.07(1)(c) and Wis. Admin. Code § N7.03(1)(b) in that Respondent, by failing to accurately document the disposition of drugs dispensed from the Acudose machine for administration to a patient, engaged in acts and omissions demonstrating a failure to maintain competence in practice and methods of nursing care.

9. Respondent's conduct as described in paragraphs 60 through 70 was misconduct and unprofessional conduct contrary to Wis. Stat. § 441.07(1)(d) and § 961.43(1)(a) and Wis. Admin. Code § N7.04(1) and § N7.04(2) in that Respondent obtained a drug and schedule II controlled substance, oxycodone (Percocet), and a drug and schedule III controlled substance, hydrocodone (Vicodin), other than in the course of legitimate practice and as otherwise prohibited by law by misrepresentation, fraud, deception and subterfuge.

10. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Susan Lownik, R.N.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Susan Lownik to practice as a registered professional nurse in the state of Wisconsin is hereby

SUSPENDED INDEFINITELY.

2. Susan Lownik may petition the Wisconsin Board of Nursing at any time after 6 months from the effective date of this Final Decision and Order to terminate the suspension of her license subject to the following terms and conditions:

a. Susan Lownik will take and satisfactorily complete a comprehensive refresher course for registered professional nurses. The refresher course must be preapproved by the Wisconsin Board of Nursing and must be completed prior to and not more than 6 months from the date on which the petition for termination of the suspension of her license is granted. Susan Lownik will be responsible for payment of all costs associated with the registration for and attendance at this refresher course

b. Susan Lownik will submit to a comprehensive drug and alcohol assessment conducted by a professional competent to perform drug and alcohol assessments and preapproved by the Wisconsin Board of Nursing. The drug and alcohol assessment must be conducted prior to and not more than 6 months from the date on which the petition for termination of the suspension of her license is granted. The petition for termination of the suspension of her license will be granted only if the professional conducting the drug and alcohol assessment certifies to the Wisconsin Board of Nursing that the results of the drug and alcohol assessment indicate that Susan Lownik does not have a drug dependence and is not otherwise abusing drugs and that Susan Lownik is fit to practice as a registered professional nurse. If the professional conducting the drug and alcohol assessment cannot so certify, the indefinite suspension of Susan Lownik's license to practice as a registered professional nurse will remain in effect. Susan Lownik will be responsible for payment of all costs associated with the drug and alcohol assessment.

c. Susan Lownik will, on or before the date on which she submits her petition for termination of the suspension of her license, pay in full the costs as assessed in paragraph 6 of this Final Decision and Order.

d. Upon compliance with all of the terms and conditions as set forth in paragraphs 2.a., 2.b. and 2.c. above, the Wisconsin Board of Nursing will enter an order terminating the suspension of Susan Lownik's license to practice as a registered nurse in the state of Wisconsin.

3. The Wisconsin Board of Nursing may grant to Susan Lownik a limited license to permit her to participate in the comprehensive refresher course for registered professional nurses required by paragraph 2.a. of this Order. The scope of this limited license will be restricted to performing the nursing duties and responsibilities required of her as a part of her participation in the refresher course. The limited license will terminate immediately and without further action required by the Wisconsin Board of Nursing upon Susan Lownik's completion of the refresher course or upon her failure to continue her participation in the refresher course.

4. If Susan Lownik satisfies all of the requirements of paragraph 2 of this Order and her petition for termination of the suspension of her license is granted, Susan Lownik will notify the Wisconsin Board of Nursing of the entity that employs her as a licensed registered professional nurse and of the identity of the licensed registered professional nurse who will be her supervisor. For the first 12 months of active practice as a licensed registered professional nurse following the termination of the suspension of her license, Susan Lownik will limit her employment to professional settings in which she is practicing under the supervision of a licensed registered professional nurse. Susan Lownik, for the first 12 months of active practice, will not engage in the practice of home health care, hospice care, independent nursing care, agency nursing, pool nursing or school nursing. The licensed registered professional nurse supervising Susan Lownik will file quarterly work reports with the Wisconsin Board of Nursing or its designee critiquing Susan Lownik's practice of registered professional nursing. Susan Lownik will file with her supervising nurse a copy of this Final Decision and Order prior to commencing her employment. The "active practice" provision of this paragraph requires that Susan Lownik work in her employment as a licensed registered professional nurse for at least 30 hours per week. The 12 months of "active practice" and the quarterly reports required to be filed critiquing this practice must be completed within 18 months of the date on which Susan Lownik's petition terminating the suspension of her license is granted.

IT IS FURTHER ORDERED that:

5. All reports and other documents required to be filed with the Wisconsin Board of Nursing will be mailed,

faxed or delivered to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone no. (608) 267-3817  
Fax no. (608) 266-2264

IT IS FURTHER ORDERED that:

6. Susan Lownik will, on or before the date on which she submits her application for termination of the suspension of her license, pay costs of this proceeding in the amount \$5,000.00. Payment will be made payable to the Wisconsin Department of Regulation and Licensing, and 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

7. 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 Susan Lownik'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.

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

Wisconsin Board of Nursing

By: Marilyn Kaufman  
A Member of the Board

12/4/08  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
:  
SUSAN LOWNIK, R.N., :  
RESPONDENT. :

STIPULATION  
LS# \_\_\_\_\_

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Division of Enforcement Case # 04NUR067

It is hereby stipulated between Susan Lownik, R.N., and by her attorney, John M. Bruce; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as the result of a pending formal disciplinary proceeding involving Susan Lownik's license to practice as a registered professional nurse by the Wisconsin Board of Nursing, case # 04NUR067. Susan Lownik consents to the resolution of this formal disciplinary proceeding by stipulation.

2. Susan Lownik 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. Susan Lownik has obtained advice of legal counsel prior to signing this Stipulation.

4. Susan Lownik agrees to the adoption of the attached Final Decision and Order by the Wisconsin 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. Susan Lownik 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 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 Wisconsin Board of Nursing ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Susan Lownik 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. Susan Lownik understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board which may be construed by the Board as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. Susan Lownik will not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Susan Lownik 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 Susan Lownik and her attorney, John M. Bruce, in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Susan Lownik  
15601 W. Brook Dr.  
New Berlin, WI 53146

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Date

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John M. Bruce  
Attorney for Susan Lownik  
Schober, Schober & Mitchell, S.C.  
16845 W. Cleveland Ave.  
New Berlin, WI 53151-3532

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Date

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Gilbert C. Lubcke, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date