

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

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DIANNE MARIE RUTKOSKE,	:	LS08110611NUR
RESPONDENT.	:	

[Division of Enforcement Case # 06 NUR 060]

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

Dianne Marie Rutkoske
2146 Kelsey Creek Court
Henderson, NV 89044

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dianne Marie Rutkoske, Respondent, date of birth April 18, 1951, was licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 130856, which was first granted October 13 1998.
2. Respondent moved to Nevada in April 2006 and did not renew her Wisconsin license when it expired on February 29, 2008, but could renew it pursuant to Wis. Stat. § 440.08(3)(a) by payment of fees.
3. Respondent's last address reported to the Department of Regulation and Licensing is 2146 Kelsey Creek Court Henderson, NV 89044.
4. On January 30, 2006, Respondent was employed as a registered nurse (RN) by Covenant Healthcare System Inc., and was scheduled to work as an RN in the operating room at St. Joseph Regional Medical Center in Milwaukee Wisconsin:
 - a. Respondent had a herniated disc and pinched nerve at the C4-5 level of her spine which was causing her great pain. That day she attempted to treat it with over the counter medications and by drinking alcohol.
 - b. Respondent drove from her home in Oconomowoc to the Medical Center with the intention of working. Respondent asserts that by the time she arrived, she recognized that she was not in any condition to work and told another staff person that she would not be working. There is no available evidence to confirm

whether or not Respondent told another staff person that she would not work that shift.

c. Staff found Respondent sleeping on the bench in the locker room. When awakened, she exhibited slurred speech and had difficulty walking, standing and keeping her balance. Her breath smelled of alcohol. Respondent provided a urine specimen for testing. The results were negative for controlled substances, but positive for alcohol with a blood alcohol concentration (BAC) of .257. Respondent's employment was terminated.

5. In February 2006, Respondent had a C4-5 fusion of her spine and she reports that surgery relieved all of her symptoms.

6. In April 2006, Respondent and her husband moved to Nevada where they had purchased a home. Respondent's decision not to renew her Wisconsin license when it expired in February 2008 and her decision to voluntarily surrender her right to renew her license at this time is based entirely on her not having any intention of returning to Wisconsin to live or practice nursing.

7. This is the only complaint the Board or the Department ever received about Respondent in the 10 years she was licensed to practice in Wisconsin.

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, used alcohol to an extent that such use impaired her ability to safely or reliably practice, which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Dianne Marie Rutkoske, R.N., Respondent, of her license as a registered nurse in the state of Wisconsin and her right to renew that license is hereby ACCEPTED.

2. If Respondent ever makes application to the Board for any license:

a. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

b. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$385.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment of costs shall be mailed or delivered to:

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

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

By: Marilyn Kaufmann
A Member of the Board

11-06-2008
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
DIANNE MARIE RUTKOSKE,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 06 NUR 060]

It is hereby stipulated and agreed, by and between Dianne Marie Rutkoske, 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. 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 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 that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Dianne Marie Rutkoske Date
Respondent
2146 Kelsey Creek Ct.
Henderson, NV 89044

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

Date