

# 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	:	
	:	FINAL DECISION AND ORDER
RICHARD K. HAEUSER, L.P.N.,	:	LS0811066NUR
RESPONDENT.	:	

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[Division of Enforcement Case #'s 05 NUR 215]

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

Richard K. Haeuser, L.P.N.  
P.O. Box 328  
Kewaskum, WI 53040  
  
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. Richard K. Haeuser, L.P.N., Respondent, date of birth August 16, 1972, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 303205, which was first granted August 3, 2001.

2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 328, Kewaskum WI 53040.

COUNTS I & II

3. From November 15, 2004 until his resignation on April 22, 2005, Respondent was employed as a licensed practical nurse at Manor Care Health Services (MCHS) in Fond du Lac, Wisconsin. MCHS had an Upper Level with North and South Wings. During the day and PM shifts, each wing was staffed by one nurse. The night shift had one nurse to cover both wings.

4. On April 19, 2005, D.H. was a resident on Upper Level South and had an order to receive Vicodin (Brand of hydrocodone, a schedule III controlled substance) for pain as needed.

a. Respondent was the nurse assigned to the entire Upper Level for the night shift and worked from 10:25 p.m. to 6:10 a.m.

b. Respondent removed a dose of Vicodin from D.H.'s supply and completed a line on the narcotic sheet for the Vicodin indicating that a dose had been administered at 4 p.m. and signed the name of the LPN

who had worked that previous shift.

c. Respondent did not note in the Medication Administration Record, the Nurse's Medication Notes or the Interdisciplinary Progress Notes that the Vicodin was administered to D.H.

d. Respondent took the dose of Vicodin for himself without the order of a practitioner.

5. A few days later, the other LPN noticed the April 19 entry on D.H.'s Vicodin narcotic sheet and reported to her supervisor that she had not administered the Vicodin and that it was not her signature. MCHS's administration called Respondent on April 22 and asked him to come in to discuss this issue. Respondent said he was unable to come in to talk about it. Respondent was scheduled to work that night shift, but called in stating he was having a panic attack. Respondent had applied for a position at another facility on April 11. On April 25, 2005, Respondent submitted a letter of resignation from MCHS and began working at the other facility.

### COUNT III

6. From about August 2007 through January 24, 2008, Respondent and his spouse violated Title 18 United States Code § 472 by altering \$1 and \$5 bills so that they appeared to be \$100 bills and counterfeited, possessed, passed and attempted to pass those bills as \$100 bills with fraudulent intent. This is a crime that is substantially related to the practice of nursing.

### COUNT IV

7. Respondent was arrested and charged in the United States District Court for the Eastern District of Wisconsin with counterfeiting. On February 1, 2008, Respondent was placed under pretrial release supervision by the Court. A condition of release was that Respondent submit to urine analysis and treatment as deemed appropriate.

8. On June 17, 2008, a condition was added requiring Respondent to participate in treatment and Pretrial Services would determine if it should be in-patient or out-patient.

9. On June 18, 2008, Respondent tested positive for morphine, a schedule II controlled substance for which Respondent did not have the order of a practitioner.

10. The Court ordered Respondent to report to Genesis Inpatient Treatment Center and Respondent failed to do so on October 6, 2008.

11. On October 8, 2008, the Court ordered that a warrant be issued to return Respondent to Court for a bail revocation hearing upon his release from the Acute Psychiatric Hospital in Fond du Lac. Respondent was arrested and held in the Dodge County Jail.

### ALL COUNTS

12. In determining the appropriate discipline in this matter, the Board has also considered that on January 8, 1997 prior to his licensure, Respondent was convicted in Winnebago County Circuit Court of the crime of violating Wis. Stat. § 943.24(1), Issuing Worthless Checks for an offense which occurred on November 2, 1995 and placed on probation. This is a crime that is substantially related to the practice of nursing.

### 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 signing another nurse's signature to a medication card, falsified a patient record, which is misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(6) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count I]

3. Respondent, by obtaining Vicodin as prohibited by law, committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count II]

4. Respondent, by violating 18 USC 472, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count III]

5. Respondent, by obtaining and using morphine as prohibited by law, committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d). [Count IV]

### ORDER

1. The SURRENDER by Richard K. Haeuser, L.P.N., of his license as a practical nurse in the state of Wisconsin 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 that may be 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 \$1,650.00 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.

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

11/06/08  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD K. HAEUSER, L.P.N.,  
RESPONDENT.

:  
:  
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:  
:

STIPULATION  
LS \_\_\_\_\_ NUR

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[Division of Enforcement Case # 05 NUR 215]

It is hereby stipulated and agreed, by and between Richard K. Haeuser, 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 05 NUR 215). 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, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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 neither admits nor denies the allegations in this matter, but 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 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 his 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.

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Richard K. Haeuser, L.P.N.  
Respondent  
P.O. Box 328  
Kewaskum, WI 53040

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Date

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

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Date