

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
CYNTHIA L. KINGSBURY, R.N.	:	FOR REMEDIAL EDUCATION
	:	LS0905076NUR

[Division of Enforcement Case No. 06 NUR 040]

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

Cynthia L. Kingsbury, R.N.
W5564 49th Street
Mauston, WI 53948

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 Wisconsin Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Cynthia L. Kingsbury, R.N., Licensee, date of birth June 7, 1964, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 146449, which was first granted January 29, 2004.
2. Licensee’s address of record with the Wisconsin Board of Nursing is W5564 49th Street, Mauston, WI 53948.
3. At all times relevant to this action, Licensee was employed as a registered nurse at New Lisbon Correctional Institution (NLCI) in New Lisbon, Wisconsin.

4. On November 2, 2005, the following occurred:

- a. A patient returned to NLCI from an off-site surgical appointment with a written prescription for Percocet.
- b. At 2:00 p.m., Respondent issued 22 tablets of Vicodin to the medication cart with false documentation that Vicodin was prescribed by Dr. Heinzl.
- c. At 2:05 p.m., Respondent administered Vicodin to the patient without having obtained a physician order.
- d. Respondent falsely documented the Vicodin order on the Patient Medication Profile as being ordered on November 2, 2005 by Dr. Heinzl.
- e. Respondent did not obtain the physician order for Vicodin from Dr. Heinzl until 12:20 p.m. on November 3, 2005.

5. Respondent does not deny that the events set forth in paragraph 4 occurred, but does not recall the incident. She explained that, on October 22, 2005, her father died unexpectedly in an industrial accident and Respondent was traumatized. The dates on which the violations occurred fell within the first week Respondent returned to work after her father's death.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07(1).
2. The Board is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Licensee shall, within six (6) months of the date of this Final Decision and Order, take and complete six (6) hours of continuing education in practicing within the scope of practice permitted by law, including proper administration of controlled substances. Each course attended in satisfaction of this Order must be preapproved by the Board of Nursing or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board of Nursing and for obtaining the required approval of the course(s) from the Board of Nursing or its designee. Licensee shall, within 60 days of completion of this educational requirement, file an affidavit with the Board of Nursing stating under oath that she has attended in its entirety each of the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance shall be filed with:

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

All certifications, affidavits or other documents required to be filed with the Board of Nursing shall be deemed filed upon receipt by the Department Monitor.

2. Licensee shall be responsible for paying the full cost of attendance at these course(s).

IT IS FURTHER ORDERED that:

3. Licensee shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of \$320.00. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

4. In the event Licensee fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Licensee's license SHALL BE SUSPENDED, without further notice or hearing, until Licensee has complied with the terms of this Order. The Board or its designee shall remove the suspension, if provided with sufficient information that Licensee is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Licensee is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

5/7/09
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	
CYNTHIA L. KINGSBURY, R.N.	:	STIPULATION
	:	LS _____ NUR

[Division of Enforcement Case No. 06 NUR 040]

It is hereby stipulated and agreed, by and between Cynthia L. Kingsbury, R.N., Licensee; 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 Licensee by the Division of Enforcement (file 06 NUR 040). Licensee consents to the resolution of this matter by stipulation and without a hearing.
2. Licensee 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. Licensee has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Licensee 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. Licensee 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 the Licensee 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. Licensee 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 Licensee in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

_____ Cynthia L. Kingsbury, R.N.	_____ Date
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Licensee
W5564 49th Street
Mauston, WI 53948

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

Date

[06 NUR 040: Costs \$320.00]

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