

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARY K. BUGNI, R.N.,	:	LS0907241NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 104]

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

Mary K. Bugni, R.N.
2617 N. 84th Street
Wauwatosa, WI 53226

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. Mary K. Bugni, R.N., Respondent, date of birth October 22, 1952, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 67957, which was first granted September 16, 1977.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2617 N. 84th Street, Wauwatosa, WI 53226.

3. Respondent was employed as a registered nurse by Children's Hospital and Health System (CHHS) in Milwaukee, Wisconsin from December 1986 until her employment was terminated on March 18, 2008. Beginning in December 2007 after she returned from a leave of absence, Respondent had been temporarily assigned to a data entry role in order to accommodate her physical restrictions.

4. On March 12, 2008, three Operating Room (OR) staff members told the OR Manager that over the past month, they had consistently smelled a strong odor of alcohol on Respondent's breath, but noticed no signs of impairment. Respondent arrived at work the next morning smelling of alcohol. The OR Manager and the Employee Health Nurse met with Respondent and she was escorted to the lab. She provided a urine sample, which tested negative for controlled substances. An initial breath alcohol test was done at 9:29 a.m., approximately two hours after Respondent arrived at work, and the result

was a 0.117 BAC. A second, confirmatory test was done at 9:49 a.m. and the result was a 0.109 BAC.

5. On December 16, 2008, Respondent had an AODA assessment performed at IMPACT in Milwaukee, Wisconsin. The evaluator noted Respondent's strong tolerance to alcohol as a reason to believe that Respondent has a history of alcohol abuse. Recommendations included a 3-4 month outpatient AODA treatment program including abstinence and random urine screens. It was also recommended that Respondent obtain random alcohol testing for a minimum of 12 months, with testing at least two times per month.

6. This is the only complaint about Respondent's practice ever received by the Board or the Department in the 32 years Respondent has been licensed and practicing in Wisconsin. At the present time, Respondent has been unable to find employment as a nurse because of her physical limitations. For personal reasons, Respondent desires to voluntarily surrender her license as a registered nurse in the state of Wisconsin.

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 her conduct, has abused alcohol to an extent that such use impairs her ability to safely or reliably practice, as defined by Wis. Admin. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Mary K. Bugni, R.N., of her license as a registered nurse in the state of Wisconsin is hereby ACCEPTED.

2. Respondent shall not have multistate licensure privileges, pursuant to the Nurse Licensure Compact, to practice in Wisconsin under any "home state" license.

3. If Respondent ever makes application to the Board for any license, limited or unlimited, Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,240.00 pursuant to Wis. Stat. § 440.22(2).

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

7/23/09
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARY K. BUGNI, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 104]

It is hereby stipulated and agreed, by and between Mary K. Bugni, R.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. 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. Attached to this Stipulation are Respondent’s current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.
7. 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.
8. 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.
9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mary K. Bugni, R.N.
Respondent
2617 N. 84th Street
Wauwatosa, WI 53226

Date

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

Date