

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
KARLA I. KUEHL, R.N., : ORDER 0000015
RESPONDENT. :

Division of Enforcement Case # 08NUR064

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

Karla I. Kuehl
902 King Ave.
Tomah, WI 54660

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

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. Karla I. Kuehl, the Respondent herein, date of birth 8/22/58, is duly licensed as a registered nurse in the state of Wisconsin, license no. 115727-30. This license was first granted on 3/25/94.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 902 King Avenue, Tomah, Wisconsin 54660.

3. At all times relevant to this action, Respondent was working as a registered nurse at the Hillview Healthcare Center in LaCrosse, Wisconsin.

4. On or about 2/21/08 and 2/22/08, Respondent, while engaged in her employment as a registered nurse at Hillview Healthcare Center, took from the medication supply maintained for the patients at Hillview Healthcare Center for her own use without a prescription or other legitimate medication order, 5-10/500 Vicodin and 5-7.5/500 Vicodin.

5. A criminal proceeding arising out of the conduct described in paragraph 4 was before the Circuit Court for LaCrosse County, Wisconsin, case no. 2008CF000150. The parties to this criminal proceeding entered into a "Diversion Agreement", a copy of which is attached hereto and incorporated herein, for the purpose of resolving the criminal proceedings.

6. On 5/8/08, pursuant to the terms of the "Diversion Agreement", the Respondent participated in an AODA assessment. The AODA assessment concluded that the Respondent "doesn't have an alcohol or drug problem or have a need for treatment".

7. Respondent is currently employed as a registered nurse at the Tomah Health Care Center in Tomah, Wisconsin and is practicing at this facility without limitations on her access to or management of drugs, including controlled substances, dispensed to patients at the facility.

8. On 10/16/09, the Circuit Court for La Crosse County entered an Order dismissing Count I of the criminal matter because the Respondent had successfully completed all of the terms of the "Diversion Agreement". A copy of this Motion and Order to Dismiss is attached hereto.

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. The conduct described in paragraph 4, above, constitutes a violation of Wisconsin Administrative Code § N7.04(2) in that Respondent obtained the drug Vicodin for her own use other than in the course of legitimate practice.

3. The Wisconsin Board of Nursing has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Karla I. Kuehl is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Karla I. Kuehl, to practice as a registered nurse in the state of Wisconsin is hereby limited as follows:

- a. Karla I. Kuehl's employer shall file quarterly work reports with the Board of Nursing evaluating Karla I. Kuehl's practice as a registered nurse, including her management of controlled substances and other drugs intended to be dispensed or administered to the patients or residents of the employer's facility. This requirement for the filing of quarterly work reports shall be satisfied only after the Wisconsin Board of Nursing has received a total of 4 quarterly work reports with each work report covering the immediately preceding 3 months of full time employment. Full time employment for purposes of this requirement is defined as a minimum of 30 hours of employment per week as a registered nurse for each week included in the quarterly report. Karla I. Kuehl shall be responsible for the timely filing of these quarterly work reports. Karla I. Kuehl shall file a copy of this Final Decision and Order with her current employer within 10 days of the effective date of this Final Decision and Order or prior to commencement of any new employment after the effective date of this Final Decision and Order.

- b. All quarterly work reports filed by employers or other documents required or permitted to be filed with the Wisconsin Board of Nursing pursuant to the terms of this Final Decision and Order shall be mailed, faxed or delivered to:

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

3. Karla I. Kuehl shall be permitted to petition the Wisconsin Board of Nursing for termination of her limited license and for reinstatement of a full and unrestricted license to practice as a registered nurse in the state of Wisconsin upon satisfactory completion of all of the

terms of the limited license and upon full payment of the costs as required by paragraph 4 of this Order. The Wisconsin Board of Nursing may at its discretion require Karla I. Kuehl to make an appearance before the Board to demonstrate compliance with the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that:

4. Karla I. Kuehl shall, within 90 days from the effective date of this Final Decision and Order, pay costs of this proceeding in the amount of \$732.80. Payment shall 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

5. 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 Karla I. Kuehl'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. In the event Karla I. Kuehl fails to pay costs as ordered, Karla I. Kuehl's license # 115727-30 SHALL BE SUSPENDED, without further notice or hearing, until Karla I. Kuehl has complied with the terms of this Order.

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

Wisconsin Board of Nursing

By: Marily Kaufmann
A Member of the Board

1/28/10
Date

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STATE OF WISCONSIN

DIVERSION AGREEMENT

Plaintiff,

-vs-

CASE NO.: 2008CF000150

COUNT: 1

Karla I Kuehl,

Defendant.,

DA Case No. 2008LC000801

COPY

The State of Wisconsin, by Assistant District Attorney Brian K Barton and the defendant, personally, and with Attorney, Keith Belzer, hereby agree that **the defendant will plead guilty to Count 1, Possession of Narcotic Drugs**, in this case, understanding that the court will accept the plea, but will not enter a judgment of conviction during this **18-month** Diversion Agreement. It is agreed that if the defendant complies with the conditions of this agreement, the State will move to dismiss the above count/crime/case without cost and with prejudice. By entering into this Diversion Agreement the defendant waives the right remain silent, to have the crime(s) proven beyond a reasonable doubt at a jury trial, and to confront the State's witnesses.

If the defendant violates any of the following conditions of this Diversion Agreement the State will move to revoke the diversion.

The defendant is required to pay a **\$50.00 upfront fee** before entering into the agreement.

THE DEFENDANT AGREES TO COMPLY WITH THE FOLLOWING CONDITIONS:

1. To pay **\$25.00** per month to the District Attorney's Office in the form of cash or money order (**no personal checks will be accepted**) as the service fee for this Diversion Agreement. The fee must be paid on the first day of each month, effective **MAY 1, 2008**. Any missed payments may prompt a motion to revoke this Diversion Agreement, however a ten-day grace period will be allowed. The **\$50.00 upfront fee** will cover the final two months of the agreement. The defendant understands that if the Diversion Agreement is revoked, the defendant remains liable for any past due balance of the service fee, up to the time of revocation.
2. To commit no crimes. The State will consider the defendant to have violated this condition if a court finds probable cause from a criminal complaint that the defendant committed a crime.
3. To notify the Clerk of Court's Office and the District Attorney's Office **in writing** within 72 hours of any change of address. The defendant understands that any notices or letters sent by the District Attorney's Office or the Clerk of Court's Office to the defendant's last known address which are returned unclaimed or which otherwise indicate that the defendant no longer resides there will result in revocation of this Diversion Agreement and issuance of a warrant for the defendant's arrest.
Defendant's Current Address: 902 King Street, Tomah, WI 54660
4. To appear for a Diversion Agreement Review, with Maureen Hickey in the District Attorney's Office, at **2:00 p.m. on JULY 16, 2008**. At the review, the defendant will discuss progress, or lack thereof, on conditions in the agreement. Any written documentation of progress should be turned in to the Diversion Coordinator prior to the review. In the event the documentation was not yet provided, it must be turned in at the time of the review.
5. To perform **60 hours** of community service, at a **minimum of 5 hours per month**, at one of the agencies on the Community Service Sites list, or at a comparable non-profit agency in the defendant's home town. It is the defendant's responsibility to locate an appropriate community service site, to schedule and perform the community service with that agency. The defendant must ensure that a letter,

written by the supervisor on agency stationery, documenting the completion of the community service hours, is received in the District Attorney's Office by **APRIL 17, 2009**.

6. To complete an alcohol and/or other drug abuse assessment with a certified alcohol and drug abuse counselor at an appropriate counseling or treatment center and willingly cooperate in any recommended counseling or treatment. The defendant must ensure that the written results of the assessment, along with any recommendations by the counselor, are received in the District Attorney's Office by **JUNE 17, 2008**. If counseling is recommended, the defendant must ensure that written documentation by the counselor, of the defendant's attendance and compliance with any recommendations, is received in the District Attorney's Office by **JUNE 17, 2009**.
7. To not possess or consume alcohol or any controlled substance other than that prescribed by a licensed physician for the defendant.
8. To comply with random drug and alcohol testing as required by the AODA counselor. If testing is recommended, any testing results must be received in the District Attorney's Office on a monthly basis.
9. To send an appropriate written letter of apology, addressed to the administration and her co-workers at Hillview Healthcare, to the District Attorney's Office by **MAY 1, 2008**. Upon approval, the Diversion Coordinator will forward the letter to Hillview.
10. If the defendant obtains employment in the nursing field, she must provide written documentation that she is in compliance with requirements of the State Nursing Board.
11. To give a **copy of this agreement** and the **criminal complaint** to any counselor and **sign any releases** necessary to allow the counselor to report compliance or lack thereof to the District Attorney's Office.
12. To have no contact with Hillview staff other than for the apology letter. The defendant understands that "no contact" means no direct or indirect contact, whether in person, by telephone, by mail, or through a third party.

The defendant understands it is her responsibility to provide written documentation of compliance for conditions to the Diversion Program Coordinator by the due dates listed. It is the defendant's responsibility to communicate with the coordinator about problems preventing compliance with any condition. The defendant must cooperate in working out any reasonable and appropriate alternative to revocation of the agreement. The defendant further understands that failure to communicate with the Diversion Program Coordinator regarding reasons for noncompliance, will be taken as a lack of interest or motivation to successfully complete the Diversion Agreement. The State would then move to revoke the Diversion Agreement.

The court shall hold a hearing at which the defendant is entitled to an attorney and to present evidence. If the court finds by a preponderance of the evidence that the defendant has violated the agreement, failed to communicate with the Diversion Coordinator, or discuss an appropriate alternative to revocation, the court may revoke the Diversion Agreement. If the court denies the State's motion, the Diversion Agreement shall remain in full force and effect until its expiration or a further motion to revoke is filed.

V.

Karla I Kuehl

DATE: _____

Brian K Barton
Assistant District Attorney
State Bar No. 1033538

DATE: _____

Maureen Hickey
Deferred Prosecution Coordinator

DATE: _____

Keith Belzer
Attorney for Defendant

DATE: _____

Karla I Kuehl
Defendant

STATE OF WISCONSIN

CIRCUIT COURT

LA CROSSE COUNTY

STATE OF WISCONSIN

MOTION AND ORDER TO DISMISS

Plaintiff,

-vs-

CASE NO.: 2008CF000150
Count I

Karla I. Kuehl,

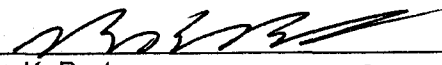
Defendant,

DA Case No. 2008LC000801

The State of Wisconsin, by Deputy District Attorney Brian K. Barton, hereby moves to dismiss Count I because the defendant has successfully completed all of the terms of the Conversion Agreement.

Dated October 13, 2009, at La Crosse, Wisconsin.

Respectfully submitted,



Brian K. Barton
Deputy District Attorney
State Bar No. 1033538

La Crosse County, WI
FILED

OCT 18 2009

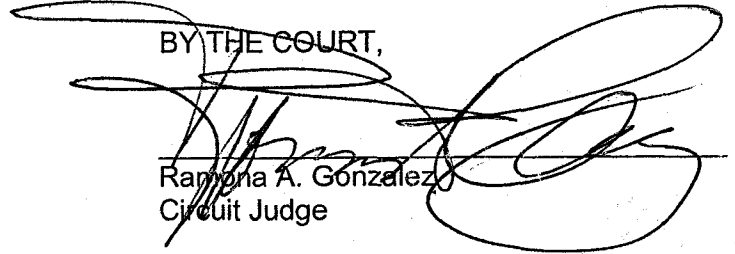
**PAMELA RADTKE
CLERK OF COURTS**

Based upon the above motion of the State of Wisconsin,

IT IS HEREBY ORDERED that the above count be dismissed.

Dated October 16, 2009, at La Crosse, Wisconsin.

BY THE COURT,



Ramona A. Gonzalez
Circuit Judge