

# 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 DISCIPLINARY  
PROCEEDINGS AGAINST

WAYNE D. BRUNSON, L.P.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER  
Order 0000115

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[Division of Enforcement Case # 09 NUR 114]

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

Wayne D. Brunson, L.P.N.  
524 Seminole Way  
DeForest, WI 53532

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

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

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Wayne D. Brunson, L.P.N., Respondent, date of birth November 12, 1966, is licensed by the Wisconsin Board of Nursing as a practical nurse in the state of Wisconsin pursuant to license number 31-303901, which was first granted February 19, 2003.
2. Respondent's last address reported to the Department of Regulation and Licensing is 520 Seminole Way, DeForest, WI 53532. Upon information and belief, his address is actually 524 Seminole Way, DeForest, WI 53532.
3. On December 13, 2007, the Board issued a Final Decision and Order imposing discipline on Respondent, which:

a. Found that on January 15, 2003, Respondent was convicted of 4<sup>th</sup> degree attempted sexual assault, battery and disorderly conduct, all misdemeanors. His sentence was withheld and he was placed on 30 months probation.

b. Found that on November 19, 2003, Respondent pled guilty to operating while intoxicated (OWI) and operating while revoked on November 14, 2003. Respondent's probation was revoked and his sentence was imposed. Respondent served nine (9) months in jail with Huber privileges. As part of his OWI conviction, Respondent took part in an outpatient NewStart Program for AODA treatment from April 24, 2006 through September 27, 2006. It was noted in the Discharge Summary that Respondent maintained abstinence during his involvement in the program.

c. Reprimanded and limited Respondent's license for an indefinite period of not less than two (2) years, requiring written work reports assessing Respondent's work performance to be submitted by Respondent's supervisors on a monthly basis for the first six (6) months, after which time reports may be submitted on a quarterly basis.

4. Respondent's license remains limited.

5. On February 22, 2008, Respondent was charged in Dane County Wisconsin Circuit Court case number 2008CF000312 with two misdemeanor counts of Battery, in violation of Wis. Stat. § 940.19(1) and one misdemeanor count of Neglecting a Child, in violation of Wis. Stat. § 948.21(1). The charges resulted from Respondent having used "switches" (partial tree branches) to hit his 22-month-old son for the purpose of teaching the child to obey him, and causing numerous contusions and bruising to the child's arms and legs.

6. On February 20, 2009, Respondent pled guilty and was convicted of all three counts. Sentence was withheld and Respondent was placed on probation for 30 months. Respondent remains on probation, the terms of which prohibit him from working as a nurse.

7. On April 2, 2009, Respondent self-reported his February 20, 2009 convictions to the Department.

#### 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. Respondent, by engaging in the conduct set out above, has violated and been convicted of laws substantially related to practice under his license, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

## ORDER

### IT IS ORDERED:

1. The license of Wayne D. Brunson, L.P.N., to practice as a nurse in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse License Compact, shall be **SUSPENDED** for an indefinite period of time.

2. Respondent may petition the Board to end the suspension, as follows:

a. Respondent shall have, at Respondent's own expense, undergone a mental health and alcohol and drug assessment by an experienced mental health care and substance abuse practitioner.

i. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.

ii. The Division shall provide the assessor and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment, including Respondent's treatment records or evaluations in the possession of the Division. Respondent may provide the assessor with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.

iii. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.

iv. The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents her from practicing in that manner.

b. If the assessor has rendered the opinion required by subparagraph a.iv., the Board shall end the suspension. The Board may limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact or the period of time Respondent has not practiced as a nurse, and to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, alcohol and drug treatment and testing, or other treatment, at Respondent's expense, by a practitioner approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

iv. Requiring Respondent to appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

c. The suspension shall not end until Respondent has paid to the Department of Regulation and Licensing costs of this proceeding in the amount of Five Hundred Dollars (\$500.00) pursuant to Wis. Stat. § 440.22(2).

3. If, following the suspension, limitations are placed on Respondent's license, Respondent may petition the Board to modify or end the limitations after one year.

4. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board under paragraphs 2b or 3 is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious or inconsistent with this Order. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. All requests, notifications and payment shall be mailed, faxed 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  
Fax (608) 266-2264  
Telephone (608) 267-3817

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

Dated at Madison, Wisconsin this 25 day of March, 2010.

Board of Nursing

By:   
A Member of the Board