

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF
SHERYL J. KUGEL, R.N., A.P.N.P.

:
:
: FINAL DECISION & ORDER
: FOR REMEDIAL EDUCATION
:
ORDER 0001184

Division of Enforcement Case No. 11NUR059

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

Sheryl J. Kugel, R.N., A.P.N.P.
7010 Country Village Drive
Wisconsin Rapids, WI 54494-3462

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Safety and Professional Services
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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Sheryl J. Kugel, R.N., A.P.N.P., Licensee, (DOB 06/19/1961) is licensed as a professional nurse in the State of Wisconsin (license no. 107952-30). This license was first granted on September 5, 1991. Licensee is credentialed as an advanced practice nurse prescriber (credential no. 2930-33). This credential was first granted on August 30, 2006.

2. Licensee's most recent address on file with the Wisconsin Board of Nursing is 7010 Country Village Drive, Wisconsin Rapids, WI 54494-3462.

3. While employed as an advanced practice nurse prescriber ("APNP") at Moundview Memorial Family Clinic in Friendship, Wisconsin, Licensee excessively prescribed controlled substances to Patient C.G. Licensee prescribed controlled substances based on complaints from Patient C.G. regarding back, knee and jaw pain.

4. Since January 2010, Patient C.G. filled the following controlled substance prescriptions written by Licensee:

- a. January 4, 2010 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- b. January 21, 2010 – Alprazolam 0.5 mg, #90, 30 day supply;
- c. January 21, 2010 – Oxycodone/APAP 5 mg, #360, 30 day supply;
- d. February 5, 2010 – Oxycodone/APAP 5 mg, #240, 20 day supply;
- e. February 16, 2010 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- f. February 19, 2010 – Alprazolam 0.5 mg, #90, 30 day supply;
- g. February 26, 2010 – Oxycodone/APAP 5 mg, #240, 20 day supply;
- h. March 12, 2010 – Alprazolam 0.5 mg, #90, 30 day supply;
- i. April 8, 2010 – Alprazolam 0.5 mg, #90, 30 day supply;
- j. April 27, 2010 – Oxycodone/APAP 5 mg, #120, 10 day supply;
- k. May 18, 2010 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- l. June 10, 2010 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- m. July 6, 2010 – Lorazepam, 0.5 mg, #2, 1 day supply;
- n. July 6, 2010 – Oxycodone/APAP 5 mg, #240, 20 day supply;
- o. July 29, 2010 – Oxycodone/APAP 5 mg, #240, 20 day supply;
- p. August 24, 2010 – Alprazolam 0.5 mg, #45, 15 day supply;
- q. August 24, 2010 – Oxycodone/APAP 5 mg, #120, 10 day supply;
- r. October 13, 2010 – Oxycodone/APAP 5 mg, #220, 30 day supply;
- s. November 1, 2010 – Oxycodone/APAP 5 mg, #120, 20 day supply;
- t. November 16, 2010 – Alprazolam 0.5 mg, #90, 30 day supply;
- u. December 1, 2010 – Codeine/APAP #3, #60, 10 day supply;
- v. December 15, 2010 – Lorazepam 0.5 mg, #90, 30 day supply;
- w. December 17, 2010 – Oxycodone/APAP 5 mg, #120, 20 day supply;
- x. January 13, 2011 – Lorazepam 0.5 mg, #90, 30 day supply;
- y. January 13, 2011 – Oxycodone/APAP 5 mg, #120, 20 day supply;
- z. March 4, 2011 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- aa. March 25, 2011 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- bb. April 11, 2011 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- cc. April 22, 2011 – Oxycodone/APAP 5 mg, #240, 30 day supply;
- dd. May 3, 2011 – Oxycodone/APAP 5 mg, #120, 15 day supply;
- ee. May 16, 2011 – Oxycodone/APAP 5 mg, #240, 20 day supply.

5. Patient C.G. frequently requested early refills and provided Licensee with the following reasons for needing the early refills:

- a. Her medication fell into the toilet;
- b. Her boyfriend took her medication;
- c. Her ex-fiance's son stole her medication;
- d. She was going to travel for an extended period of time;
- e. Sudden change in life circumstances;
- f. Her boyfriend stole her prescription;
- g. A child destroyed her prescription;
- h. Her medication was stolen from a locked area;
- i. She promised to follow up with specialists;
- j. She had an appointment scheduled with a surgeon; and
- k. Her husband took her medication during an altercation.

6. Licensee failed to identify that Patient C.G. was seeking controlled substances, and continued to prescribe and allow for early refills.

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).

ORDER

IT IS ORDERED:

1. Sheryl J. Kugel, R.N., A.P.N.P, shall, at her own expense and within ninety (90) days of the date of this Final Decision and Order, take and complete three (3) hours of continuing education in assessing behaviors associated with narcotic addiction, and three (3) hours of continuing education in counseling patients with potential drug addictions. Each course attended in satisfaction of this Order must be preapproved by the Board of Nursing or its designee. Licensee will be responsible for locating courses satisfactory to the Board of Nursing and for obtaining the required approval of the courses from the Board of Nursing or its designee. Licensee will 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 courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

2. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from the collaborating physician reporting the terms and conditions of her employment and evaluating her work performance.

3. Licensee shall, within (90) days from the date of this Order, pay costs of this proceeding in the amount of Nine Hundred Dollars (\$900). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services.

4. All affidavits, reports and payments shall be mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

All affidavits, reports and payments required to be filed with the Board of Nursing will be deemed filed upon receipt by the Department Monitor.

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

Wisconsin Board of Nursing

By: *Brittany Lawe*
A Member of the Board

11/3/11
Date