

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DANNY R. BERNDT, L.P.N.,	:	
RESPONDENT.	:	ORDER 0002477

---

Division of Legal Services and Compliance<sup>1</sup> Case No. 12 NUR 560

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

Danny R. Berndt, L.P.N.  
421 West 10<sup>th</sup> Avenue  
Oshkosh, WI 54902

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Danny R. Berndt, L.P.N., (dob September 7, 1971) is licensed in the State of Wisconsin as a practical nurse, having license number 311437-31, first issued on June 25, 2009. The license expired on April 30, 2013, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 29, 2018. Respondent’s most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 421 West 10<sup>th</sup> Avenue, Oshkosh, Wisconsin 54902.

---

<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On September 11, 2012, Respondent was found unconscious in his apartment from an accidental overdose of heroin. On September 14, 2012, Respondent was charged with possession of narcotic drugs in Winnebago County (Case Number 12 CF 633).

3. On October 31, 2012, Respondent completed a 28-day inpatient treatment program. Upon his discharge from the program, he was diagnosed with the following: alcohol dependence with physiological dependence, opioid dependence without physiological dependence and amphetamine abuse.

4. On November 12, 2012, Respondent plead no contest to possession of a narcotic, a class I felony and was placed on a deferred prosecution agreement for two years.

5. On January 4, 2013, Respondent was admitted into the Professional Assistance Procedure (PAP).

6. On January 22, 2013, Respondent submitted a letter to the PAP Coordinator stating he no longer was able to continue in PAP. The PAP Coordinator spoke with Respondent on the phone and Respondent acknowledged that he understood disciplinary action may result in removal from PAP. Respondent also stated he understood discipline could include suspension of his practical nursing license.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Danny R. Berndt, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1) by violating the law substantially related to the practice of practical nursing.

3. By the conduct described in the Findings of Fact, Danny R. Berndt, L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

4. As a result of the above conduct, Danny R. Berndt, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Danny R. Berndt, L.P.N., (license no. 311437-31) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$550.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN  
A Member of the Board

6/13/13  
Date