

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARILYN A. FREUND, R.N., A.P.N.P.,  
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0002592

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 NUR 056

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

Marilyn A. Freund, R.N., A.P.N.P.  
W174 N5160 Maple Crest Lane  
Menomonee Falls, WI 53051

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 Marilyn A. Freund, R.N., A.P.N.P., (dob February 24, 1950) is licensed in the State of Wisconsin as a professional nurse, having license number 55652-30, first issued on July 21, 1972 and current through February 28, 2014. Respondent is also licensed as an advance practice nurse practitioner, having certification number 975-33, first issued on December 4, 1997 and current through September 30, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W174 N5160 Maple Crest Lane, Menomonee Falls, Wisconsin 53051.

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

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse and advance practice nurse prescriber at a hospital clinic (Clinic), located in Milwaukee, Wisconsin.

3. On or about January 10, 2013, Clinic conducted an investigative interview with Respondent. During the interview, Respondent admitted to taking the Clinic's nebulizer home over a weekend, during the spring of 2012, for her personal use. Respondent also admitted to taking home an ampule of albuterol to use in the nebulizer. Respondent did not have a prescription for albuterol ampules.

4. After the investigative interview on January 10, 2013, Respondent was suspended and additional investigation was conducted. Additional investigation found that Respondent used the nebulizer during work hours. During Respondent's dismissal meeting on January 18, 2013, Respondent admitted to using the nebulizer during work hours.

5. 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, Marilyn A. Freund, R.N., A.P.N.P., 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.

3. As a result of the above conduct, Marilyn A. Freund, R.N., A.P.N.P., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Marilyn A. Freund, R.N., A.P.N.P., is REPRIMANDED.

3. The professional nurse license issued to Marilyn A. Freund, R.N., A.P.N.P., (license number 55652-30), the advance practice nurse prescriber certificate issued to Marilyn A. Freund, R.N., A.P.N.P., (certificate number 975-33) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on ethics in nursing and four (4) hours of education on appropriate use/dispensing of medication offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Marilyn A. Freund, R.N., A.P.N.P., shall pay COSTS of this matter in the amount of \$350.00.

5. Request of approval of courses, proof of successful course completion and payment of and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

6. 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 Respondent'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 Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 55652-30) and certificate (no. 975-33) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submit proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by:

  
A Member of the Board 

10/9/13  
Date