

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID M. KNACK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003012

Division of Legal Services and Compliance¹ Case No. 13 NUR 280

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

David M. Knack
510 North Gwinn Street
Loyal, WI 54446

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 David M. Knack, R.N., (dob July 24, 1971) is licensed in the State of Wisconsin as a professional nurse, having license number 166008-30, first issued on March 11, 2009 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 510 North Gwinn Street, Loyal, Wisconsin 54446.

¹ 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 nurse at a hospital, located in Marshfield, Wisconsin.

3. In April 2013, an internal investigation of Respondent revealed improper charting, improper documentation of medication administration, and removal of medication from PYXIS that was unaccounted for. More specifically, the investigation found:

- a. Respondent removed medications for patients after they were discharged from the nursing unit on two occasions.
- b. Respondent removed medications from Pyxis after clocking out after his shift with no documentation as to whom that medication was removed for and that medication was either administered or wasted.
- c. Respondent removed controlled substances from Pyxis without orders and failed to document that the medication was either administered or wasted.
- d. Documentation indicating that the medication removed had been both administered and returned.

4. On April 25, 2013, Respondent underwent a drug screen due to reasonable suspicion and the results of the drug screen were positive for marijuana.

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, David M. Knack, R.N., engaged in negligent conduct as defined by Wis. Admin. Code § N 7.03(1)(b) by demonstrating a failure to maintain competency in practice and methods of nursing care.

3. By the conduct described in the Findings of Fact, David M. Knack, R.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, David M. Knack, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b), (c), and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent David M. Knack, R.N., is REPRIMANDED.

3. The nursing license issued to David M. Knack, R.N., (license number 166008-30) and his 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 his own expense, successfully complete six (6) hours of education on the topic of responsible medication dispensing and documentation, pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Within 30 days of satisfactorily completing the education required above, Respondent shall submit, to the Department Monitor, proof of successful completion. Acceptable proof shall be verification from the institution providing the education.
- c. 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.
- d. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
- e. 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, Respondent shall pay COSTS of this matter in the amount of \$450.00.

5. Request of approval of courses, proof of successful course completion and payment of 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 7190, Madison, WI 53707-7190
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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 166008-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN BOARD OF NURSING

by: Julia Nelson, RN
A Member of the Board

Date 2/13/14

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID M. KNACK, R.N.,
RESPONDENT.

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:
:

STIPULATION

0003012

Division of Legal Services and Compliance Case No. 13 NUR 280

Respondent David M. Knack, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

 RN

David M. Knack, R.N., Respondent
510 North Gwinn Street
Loyal, WI 54446
License no. 166008-30

12-30-13
Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

1/6/13
Date