

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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**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)

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital, located in Milwaukee, Wisconsin.

3. On April 9, 2013, Respondent met with her Director to discuss discrepancies in her Pyxis records. Respondent was removed from the work schedule for suspicion of narcotic diversion and submitted to a urine drug screen.

4. On April 22, 2013, Respondent's urinary analysis test came back positive. Respondent admitted that she took Dilaudid® and morphine from her workplace and used it to assist with pain from her kidney stones.

5. On May 22, 2013, Respondent submitted an application for participation in the Wisconsin Professional Assistance Procedure (PAP).

6. According to a letter sent on June 17, 2013, from Red Oak Counseling, Respondent does not meet DSM-IV criteria for substance abuse or dependence and, therefore, was ineligible for PAP.

7. In July 2013, Respondent returned to work with restrictions on Schedule I and II controlled substance medication administrations.

8. On October 18, 2013, Respondent successfully completed counseling and all of her random drug screens since returning to work were negative.

9. 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. Pursuant to Wis. Stat. § 961.16(2)(a)10, morphine is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

3. Dilaudid® is a brand name for hydromorphone. Pursuant to Wis. Stat. § 961.16(2)(a)8, hydromorphone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

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

5. As a result of the above conduct, Jeni L. Esch, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

### ORDER

1. The attached Stipulation is accepted.
2. Respondent Jeni L. Esch, R.N., is REPRIMANDED.
3. The professional nursing license issued to Jeni L. Esch, R.N., (license number 146127-30) 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 six (6) hours of education on the topic of nursing ethics 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, Jeni L. Esch, R.N., shall pay COSTS of this matter in the amount of \$300.00.
5. Request of approval of courses, proof of successful course completion and payment of forfeiture 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:

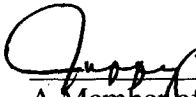
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services

P.O. Box 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 the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 146127-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of 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:  J. A. Neenan, DNP, APRN  
A Member of the Board

3-13-14  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JENI L. ESCH, R.N.,  
RESPONDENT.

STIPULATION

**0003112**

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Division of Legal Services and Compliance Case No. 13 NUR 275

Respondent Jeni L. Esch, 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.

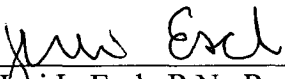
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

  
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Jeni L. Esch, R.N., Respondent  
321 Copper St.  
Mineral Point, WI 53565-1153  
License no. 146127-30

1/16/14  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison WI 53707-7190

2/11/14  
Date