

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 :
: FINAL DECISION AND ORDER
NICHOLAS A. KANETZKE, R.N., :
RESPONDENT. :

0004193

Division of Legal Services and Compliance Case No. 15 NUR 229

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

Nicholas A. Kanetzke, R.N.
W184 N8194 Tours Drive
Menomonee Falls, WI 53051-3513

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 Nicholas A. Kanetzke, R.N., (dob March 22, 1985) is licensed in the State of Wisconsin as a professional nurse, having license number 166331-30, first issued on February 11, 2009 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W184 N8194 Tours Drive, Menomonee Falls, Wisconsin 53051-3513.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a hospital (Hospital), located in Menomonee Falls, Wisconsin.

3. On June 12, 2014, the Board reprimanded Respondent and limited his license in case number 13 NUR 680 (order number 0003275) based on diversion of Benadryl® in Maryland.

4. The June 12, 2014 Order required two (2) years of drug monitoring.

5. Around March of 2015, the Hospital began having concerns related to Respondent's intravenous (IV) narcotic administration. Respondent dispensed fentanyl but failed to document the medications as administered, wasted or returned.

6. In March of 2015, the Department had Respondent submit to a hair test as part of the June 12, 2014 Order. The results of the hair test were negative.

7. The Nurse Manager at the Hospital attempted to speak with Respondent but he became very upset and requested to be taken to the emergency department for medical attention. Respondent was admitted to a mental health unit and began a leave of absence.

8. On April 20, 2015, Respondent met with various Hospital managers and admitted to diverting fentanyl for his own use. Respondent explained that the only reason he diverted the medication to commit suicide and for no other reason. He denied ever injecting the fentanyl and reported disposing all of the medication.

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. By the conduct described in the Findings of Fact, Nicholas A. Kanetzke, R.N., violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

3. As a result of the above violations, Nicholas A. Kanetzke, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Nicholas A. Kanetzke, R.N., (license no. 166331-30) 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 Respondent petitions the Board of Nursing for reinstatement 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, Nicholas A. Kanetzke, R.N., shall pay COSTS of this matter in the amount of \$825.00.

5. Respondent shall submit payment of costs (made payable to the Department of Safety and Professional Services) and immediately return all indicia of Wisconsin licensure 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. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:  Jerry A. New DNP, APRN
A Member of the Board

8-13-15
Date

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.

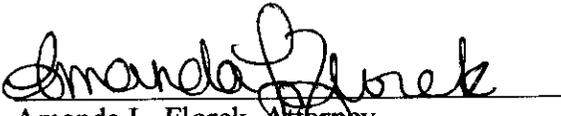
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Nicholas A. Kanetzke, R.N., Respondent
W184 N8194 Tours Drive
Menomonee Falls, WI 53051-3513
License No. 166331-30

6/30/15

Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

7/6/15

Date