

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

KATHRYN A. VOGT, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004288

Division of Legal Services and Compliance Case No. 15 NUR 173

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

Kathryn A. Vogt, R.N.
2730 N. 117th Place
Wauwatosa, WI 53222

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 Kathryn A. Vogt, R.N., (dob March 3, 1956) is licensed in the State of Wisconsin as a professional nurse, having license number 73129-30, first issued on April 6, 1979 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2730 N. 117th Place, Wauwatosa, Wisconsin 53222.

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

3. Between April 2014 and February 2015, Respondent withdrew hydromorphone from the automated dispensing unit (ADU) for various patients at the Hospital after the patients had been discharged as follows:

- a. April 16, 2014 (Patient J.W. discharged at 1230; Respondent withdrew hydromorphone at 1243);
- b. April 22, 2014 (Patient C.R. discharged at 1350; Respondent withdrew hydromorphone at 1515);
- c. May 1, 2014 (Patient H.S. discharged at 1155; Respondent withdrew hydromorphone at 1208);
- d. May 28, 2014 (Patient K.L. discharged at 1400; Respondent withdrew hydromorphone at 1632);
- e. June 24, 2014 (Patient V.P. discharged at 1210; Respondent withdrew hydromorphone at 1258);
- f. July 25, 2014 (Patient E.N. discharged at 1145; Respondent withdrew hydromorphone at 1322);
- g. July 30, 2014 (Patient A.G. discharged at 1255; Respondent withdrew hydromorphone at 1501);
- h. August 22, 2014 (Patient R.B. discharged at 0900; Respondent withdrew hydromorphone at 1635);
- i. September 10, 2014 (Patient K.T. discharged at 0415; Respondent withdrew hydromorphone at 1328);
- j. November 13, 2014 (Patient T.O. discharged at 1209; Respondent withdrew hydromorphone at 1601);
- k. December 22, 2014 (Patient T.B. discharged at 0935; Respondent withdrew hydromorphone at 1138);
- l. January 15, 2015 (Patient C.M. discharged at 1020; Respondent withdrew hydromorphone at 1119);
- m. February 3, 2015 (Patient B.G. discharged at 1315; Respondent withdrew hydromorphone at 1354);

4. During an investigation into the discrepancies by the Hospital, Respondent admitted to withdrawing hydromorphone from the ADU, transferring it into a separate container

and taking the medication home with her for her personal use from late December 2014 through February 2015.

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).

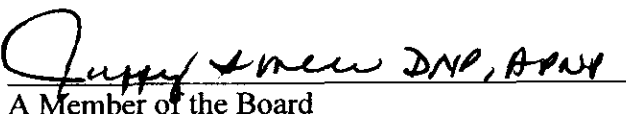
ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of the license and privilege of Kathryn A. Vogt, R.N., (license no. 73129-30) 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. Respondent shall 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

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

10-8-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KATHRYN A. VOGT, R.N.,
RESPONDENT.

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STIPULATION

0004288

Division of Legal Services and Compliance Case No. 15 NUR 173

Respondent Kathryn A. Vogt, 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. Respondent
is represented by attorney Arthur K. Thexton.

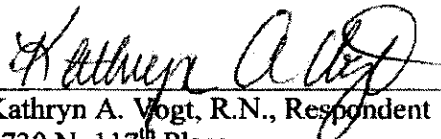
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of
the attached Final Decision and Order without further notice, pleading, appearance or consent of
the parties. Respondent waives 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.

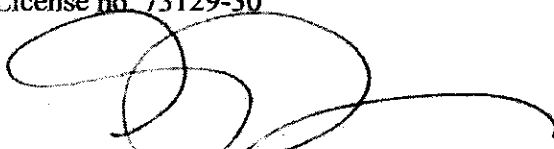
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Kathryn A. Vogt, R.N., Respondent
2730 N. 117th Place
Wauwatosa, WI 53222
License no. 73129-30


Date


Arthur K. Thexton, Attorney for Respondent
Gimbel Reilly Guerin & Brown, LLP
Two Plaza East, Suite 1170
330 East Kilbourn Avenue
Milwaukee, WI 53202

9/10/15
Date


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

9/11/15
Date