

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
BECKY L. KAHLER, R.N., C.N.M., A.P.N.P., :
RESPONDENT. :

00047 11

Division of Legal Services and Compliance Case No. 14 NUR 626

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

Becky L. Kahler, R.N., C.N.M., A.P.N.P.
3913 W. Prospect Avenue, Suite LL1
Appleton, WI 54914

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 Becky L. Kahler, R.N., C.N.M., A.P.N.P., (dob November 15, 1965) is licensed in the State of Wisconsin as a professional nurse, having license number 107888-30, first issued on September 5, 1991 and current through February 28, 2018. Respondent also has a certificate in the State of Wisconsin as an advanced practice nurse prescriber, having certificate number 2731-33, first issued on November 22, 2005 and current through September 30, 2016 and is certified as a nurse-midwife (certificate number 10788-32), first issued on July 23, 2004 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3913 West Prospect Avenue, Suite LL1, Appleton, Wisconsin 54914.

2. At all times relevant to this proceeding, Respondent was employed as a certified nurse-midwife and advanced practice nurse prescriber at a women's clinic, located in Appleton, Wisconsin.

3. On December 19, 2012, Respondent prescribed azithromycin to Friend A without documenting an examination and diagnosis.

4. Between May and September 2013, Respondent prescribed five (5) medications to Friend B without documenting an examination. The medications prescribed were as follows: glyburide, fluconazole, ciprofloxacin, hydrocodone acetaminophen and methocarbamol.

5. Between August 2012 and January 2015, Respondent prescribed numerous medications to Family Member C without documenting an examination or diagnosis. The medications prescribed were as follows: metronidazole, fluconazole, Microgestin®, Gianvi®, clindamycin, Azurette®, acyclovir, Enskyce®, ProAir®, azithromycin, amoxicillin, and permethrin.

6. Between August 2006 and April 2015, Respondent prescribed numerous medications to Family Member D without documenting an examination or diagnosis. The medications prescribed were as follows: Nasacort®, Kariva®, fluconazole, Loestrin®, Apri®, Hypercare®, cyclobenziprine, Microgestin®, metformin, Sprintec®, Estarylla®, clindamycin, acyclovir, ProAir®, azithromycin, amoxicillin, cephalexin, ondansetron, and permethrin.

7. 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)7., hydrocodone 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. By the conduct described in the Findings of Fact 2 through 6, Respondent violated Wis. Admin. Code § N 7.04(2)¹, by administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d)².

¹ Refers to Wis. Admin. Code § N 7.03 as it existed before August 1, 2014.

² Wis. Stat. (2011-2012).

5. By the conduct described in the Findings of Fact 5 and 6, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(8)(a), by prescribing of any drug other than in the course of legitimate practice or as otherwise prohibited by law.

6. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Becky L. Kahler, R.N., C.N.M., A.P.N.P., is REPRIMANDED.
3. The professional nursing license and certificates as a nurse-midwife and advanced practice nurse prescriber issued to Becky L. Kahler, R.N., C.N.M., A.P.N.P., (license number 107888-30 and certificate numbers 107888-32 and 2731-33) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete five (5) hours of education on the topic of documentation and four (4) hours of education on the topic of ethics in nursing practice 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. The professional nursing license and certificates as a nurse-midwife and advanced practice nurse prescriber issued to Becky L. Kahler, R.N., C.N.M., A.P.N.P., (license number 107888-30 and certificate numbers 107888-32 and 2731-33) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact are FURTHER LIMITED, as follows:
 - a. Within thirty days of the date of this Order, Respondent shall retain a professional mentor for prescription records, who shall be a physician and shall be pre-approved by the Board or its designee. The professional mentor shall randomly select patient health care records, with patient identifying information redacted, from among patients seen during an

evaluation period, and shall review the records to determine whether the records are accurate and complete and whether the prescriptions are properly prescribed.

- b. For one year from the date of this Order, the professional mentor shall review 10 randomly selected patient health care files, with patient identifying information redacted, per month which involve the prescribing of medications.
- c. Respondent shall arrange for the professional mentor to submit formal written reports to the Department Monitor, Department of Safety and Professional Services, Division of Legal Services and Compliance, at the address below in paragraph 7, on a monthly basis, or as otherwise directed by the Department Monitor. The professional mentor's reports shall verify that Respondent keeps and maintains patient health care records as described in paragraph (a) above.
- d. A professional mentor shall have no relationship that could reasonably be expected to compromise the ability of the professional mentor to render fair and unbiased reports to the Department. The professional mentor shall hold a valid Wisconsin credential in a relevant health care field, shall have read this Final Decision & Order, and shall agree to be Respondent's professional mentor.
- e. Respondent's professional mentor shall immediately report to the Department Monitor any conduct or condition of the Respondent which may constitute unprofessional conduct—including any deficiency in prescribing or medical record keeping, any violation of this Order, or any other danger to the public or patient.
- f. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the professional mentor to conform to the terms and conditions of this Order.
- g. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has had 12 (twelve) monthly satisfactory reports from the professional mentor.
- h. Respondent is responsible for paying any costs associated with the services of the professional mentor.

5. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. 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.

6. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.

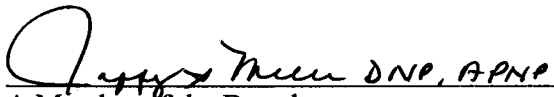
7. Request for approval of courses, proof of successful course completion, approval of mentor, written mentor reports and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

8. 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, fails to obtain approval of a mentor, fails to have the mentor submit written reports as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 107888-30, and certificate nos. 107888-32 and 2731-33) 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, has obtained approval of a mentor, has had the mentor submit written reports as ordered and has submitted proof of successful completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by:  DNP, APNP
A Member of the Board

5.12.16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BECKY L. KAHLER, R.N., C.N.M., A.P.N.P.,
RESPONDENT.

STIPULATION

00047 11

Division of Legal Services and Compliance Case No. 14 NUR 626

Respondent Becky L. Kahler, R.N., C.N.M., A.P.N.P., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

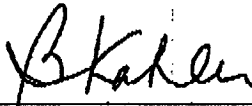
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 Todd M. Weir.
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.



Becky L. Kahler, R.N., C.N.M., A.P.N.P., Respondent
3913 W. Prospect Avenue, Suite LL1
Appleton, WI 54914
License no. 107888-30
Certificate nos. 2731-33, 107888-32

4/6/16
Date



Todd M. Weir, Attorney for Respondent
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
20935 Swenson Drive, Suite 310
Waukesha, WI 53186

4/6/16
Date



Kim M. Kluck, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190

4/6/16
Date