

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

ELIZABETH M. PIKALEK, R.N.,
RESPONDENT.

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:

INTERIM ORDER

00052 1.2

Division of Legal Services and Compliance Case No. 16 NUR 658

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

Elizabeth M. Pikalek, R.N.
1033 Dopp Street
Waukesha, WI 53188

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 interim 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 Elizabeth M. Pikalek, R.N., (dob June 4, 1985) is licensed in the State of Wisconsin as a professional nurse, having license number 190530-30, first issued on June 19, 2012, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1033 Dopp Street, Waukesha, Wisconsin 53188.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at nursing home (Home), located in Waukesha, Wisconsin.

3. Respondent was the only nurse on-duty with access to narcotics during the overnight shift between December 8 and 9, 2016.

4. On December 9, 2016, Respondent was found sitting on the floor at the back of the nurse's station by the on-coming shift nurse, Nurse A.

5. Nurse A described Respondent as wet from sweating. When asked if she was ok, Respondent replied that she was okay and lay down on the floor.

6. Nurse A instructed Nurse B to call 911.

7. Nurse B described Respondent as being unable to calm down, not making sense, and having no control over her body.

8. A narcotics count was immediately conducted and it was determined that a total of six (6) oxycodone pills were missing from five (5) residents.

9. Respondent was taken to the emergency department.

10. On December 13, 2016, Respondent admitted to the nursing home administrator that she diverted the oxycodone from the residents and that her diagnosis from the hospital was opioid overdose.

11. On December 13, 2016, Respondent was arrested and admitted to a city of Waukesha police officer that she had diverted the oxycodone from the residents and ingested the medication while at work.

12. Respondent does not have a physician's prescription for oxycodone.

13. As of February 1, 2017, Respondent has not been criminally charged with diverting oxycodone.

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)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

ORDER

1. The attached Stipulation is accepted.

2. The license of Elizabeth M. Pikalek, R.N., (license number 190530-30) to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are SUSPENDED indefinitely from the date of this Order.

3. Respondent shall not engage in the practice of nursing while her license to do so is suspended.

4. This Interim Order shall remain in effect until a Final Decision and Order is issued by the Board.

5. Violation of any of the terms of this Interim Order will be considered a violation of a Board order and Respondent will be subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

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

WISCONSIN BOARD OF NURSING

by: Boyl Kravse
A Member of the Board

3-9-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ELIZABETH M. PIKALEK, R.N.,
RESPONDENT.

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:
:

INTERIM ORDER
STIPULATION

0005212

Division of Legal Services and Compliance Case No. 16 NUR 658

Respondent Elizabeth M. Pikalek, 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 Interim Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Interim 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.

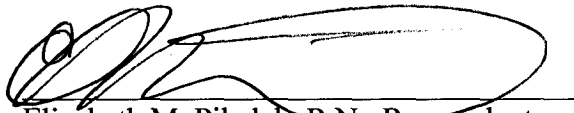
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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 Interim Order.

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

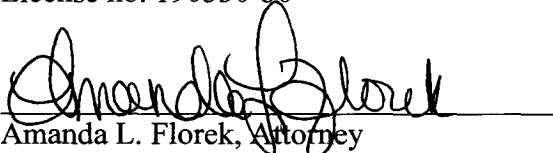
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Interim Order.



Elizabeth M. Pikalek, R.N., Respondent
1033 Dopp Street
Waukesha, WI 53188
License no. 190530-30

2/17/17

Date



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

2/17/17

Date