

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

VICKI L. LULL, R.N.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER  
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: **0005264**  
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Division of Legal Services and Compliance Case No. 16 NUR 239

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

Vicki L. Lull, R.N.  
61 East 5<sup>th</sup> Street  
Superior, WI 54880

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 Vicki L. Lull, R.N., (dob June 19, 1959) is licensed in the State of Wisconsin as a professional nurse, having license number 174405-30, first issued on July 29, 2010, and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 61 East 5<sup>th</sup> Street, Superior, Wisconsin 54880.

2. On April 7, 2016, Respondent entered into a Stipulation and Consent Order (Minnesota Order) with the Minnesota Board of Nursing (Minnesota Board) by voluntarily surrendering her license to practice professional nursing in the State of Minnesota.

3. The Minnesota Order was based on the following facts:
  - a. On May 24, 2015, Respondent was employed as a home health nurse in Duluth, Minnesota.
  - b. On that date, Respondent injured herself at work and took two (2) of her patient's Lortab® 5 mg tablets and consumed them.
  - c. On September 14, 2015, Respondent submitted a letter to the Minnesota Board stating she was injured at a previous job and could no longer work as a floor nurse. Respondent also stated she had been prescribed oxycodone for her pain as a result of the injury.
  - d. Respondent explained to the Minnesota Board that she never would have taken the medication from a hospital or health care facility but did not think anything of taking the medication because she had known the family so long.
4. On May 16, 2016, the Department investigator sent Respondent a letter requesting information, to the address on file with the Department via USPS. A response was requested no later than May 31, 2016.
5. Respondent failed to respond to Department's May 16, 2016 letter.
6. On August 22, 2016, the Department investigator sent an email to Respondent's email address on file stating the Department attempted to contact her and requesting a response no later than September 2, 2016. On the very same day, the Department investigator sent a second letter via certified mail to Respondent requesting a response no later than September 2, 2016.
7. On September 15, 2016, the Department investigator checked the USPS delivery record and found that the letter was delivered on August 29, 2016, and left with an individual at the address on file.
8. Respondent failed to response to Department's request for information as of September 15, 2016.
9. Respondent reports that she is currently disabled and does not practice nursing. Respondent wishes to surrender her nursing license.
10. 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, Vicki L. Lull, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country. A certified copy of the record of the board is conclusive evidence of the final action.
3. By the conduct described in the Findings of Fact, Vicki L. Lull, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(1)(c), by failing to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder, after a request of the board. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has failed to cooperate in a timely manner.
4. By the conduct described in the Findings of Fact, Vicki L. Lull, R.N., engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(8)(e), by possessing a drug without lawful authority.
5. As a result of the above conduct, Vicki L. Lull, 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 Vicki L. Lull, R.N., (license no. 174405-30) 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](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

by: Sheryl Krause  
A Member of the Board

4-13-17  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

VICKI L. LULL, R.N.,  
RESPONDENT.

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STIPULATION

**0005264**

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Division of Legal Services and Compliance Case No. 16 NUR 239

Respondent Vicki L. Lull, 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.

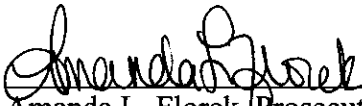
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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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Vicki L. Lull, R.N., Respondent  
61 East 5<sup>th</sup> Street  
Superior, WI 54880  
License no. 174405-30

3/21/17  
\_\_\_\_\_  
Date



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

3/27/17  
\_\_\_\_\_  
Date