

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE PETITION FOR :
SUMMARY SUSPENSION AGAINST :
: DLSC Case No. 16 NUR 317
JENNIFER A. DECORAH, R.N., : and 17 NUR 486
: :
RESPONDENT. :

0005499

ORDER OF SUMMARY SUSPENSION

The Petition for Summary Suspension of Jennifer A. Decorah's license to practice nursing, dated November 6, 2017, was noticed to be presented on November 9, 2017, before the Wisconsin Board of Nursing. At that time, Attorney Kim M. Kluck appeared for the Petitioner, the Department of Safety and Professional Services, Division of Legal Services and Compliance. Respondent did not appear either in person or by telephone.

The Wisconsin Board of Nursing, having considered the sworn November 6, 2017, Petition for Summary Suspension of Kim M. Kluck; the Affidavit of Shelby Braatz; the Affidavit of Jacob Bean with attached Exhibit 1; the Affidavit of Richard T. Lueneburg with attached Exhibit 1; the Affidavit of Margaret Reilly; the Affidavit of Jesse S. Benisch with attached Exhibit 1 as evidence, and the oral information provided by Attorney Kim M. Kluck stating that a true and accurate copy of the Notice of Presentation of Petition for Summary Suspension, a Petition for Summary Suspension; the Affidavit of Shelby Braatz; the Affidavit of Jacob Bean with attached Exhibit 1; the Affidavit of Richard T. Lueneburg with attached Exhibit 1; the Affidavit of Margaret Reilly; the Affidavit of Jesse S. Benisch with attached Exhibit 1; and a Petition for Designation of Hearing Official had been mailed via certified mail, regular U.S. Mail, FedEx Overnight mail, and electronic mail, to Respondent, and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Respondent Jennifer A. Decorah, R.N., (dob May 23, 1987) is licensed in the State of Wisconsin as a professional nurse, having license number 173651-30, first issued on July 1, 2010, and current through February 28, 2018. Respondent's license is currently suspended.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1155 Chicago Lane, Friendship, Wisconsin 53934.

Prior Discipline DLSC Case No. 16 NUR 040

3. On September 8, 2016, the Board issued a Final Decision and Order (Order no. 4908) reprimanding Respondent and placing limitations on Respondent's professional nursing license which required her to complete education on documentation and pay costs. The order of discipline was based on Respondent's failure to properly document the administration of narcotic medications to several patients on January 8, 2016, while working at an assisted living center. Respondent had 90 days to complete the education and pay the costs. The order further provided that failing to complete the education and pay the costs could result in suspension of Respondent's license.

4. On June 29, 2017, Respondent's license was suspended after she failed to complete the education and failed to pay the costs. Her license remains suspended as of the date of the issuance of this Order. Once Respondent has paid the costs and completed the education, Respondent's license would be returned to full and unrestricted status.

DLSC Case No. 16 NUR 317

5. At all times relevant to the facts set forth in paragraphs 5 through 17, Respondent was employed as a professional nurse at a nursing home facility (Facility) located in Mauston, Wisconsin.

6. Nurse A is a professional nurse, currently employed at the Facility in Mauston, Wisconsin. She also holds a practical nursing license and worked at the Facility in that capacity.

7. On April 30, 2016, when passing her 1700 medications for Patient B.N., Nurse A noticed that the patient's aspirin was not in the package which had been torn open.

8. Nurse A then looked at a card of Ritalin® and noticed that three (3) tablets were taped into the card and had numbers that matched the number on the aspirin tablets.

9. On May 1, 2016, in the course of her duties as a licensed practical nurse at the Facility, Nurse A went into the medication room and observed Respondent in the medication room. After Respondent left the room, Nurse A looked in the 500 narcotics drawer and saw that the card of Ritalin® was not in the drawer. She informed the Director of Nursing (DON) that the card was missing and had been in the drawer only minutes before.

10. Shortly afterwards, Nurse A saw Respondent come into the medication room and lean up against the drawer of the medication cart. Respondent then said to Nurse A that she found the card of Ritalin®.

11. On May 6, 2016, Nurse B showed Nurse A a bottle of liquid morphine that had sediment in the bottle. Nurse B then opened a new bottle of morphine out of contingency and Nurse A observed that morphine had spilled out of the bottle. When Nurse A inspected the leaking bottle with two (2) other nurses, she saw a pin hole in the side on the top of the bottle. Nurse A and the other nurses turned over the tampered bottles to the DON.

12. Richard Lueneberg is a police detective, employed by the Mauston Police Department, in Mauston, Wisconsin. He formerly worked as a police officer for the Mauston Police Department before being promoted to detective. His business address is 303 Mansion Street, Mauston, Wisconsin 53948.

13. In the course of Detective Lueneberg's professional duties, he was assigned to the investigation of Respondent in Mauston Police Department case number 2016-034355 relating to a complaint of theft of narcotics and methylphenidate/Ritalin® from the Facility located in Mauston, Wisconsin, in approximately April and May of 2016.

14. On May 2, 2016, in the course of Detective Lueneberg's professional duties as a police officer for the Mauston Police Department in case number 2016-034355, he interviewed the DON. The DON informed Detective Lueneberg that medications had been tampered with and possibly stolen between April 28, 2016, to May 2, 2016. The DON showed the detective two (2) prescription cards for methylphenidate 20 mg, also known as Ritalin®. There were apparent cuts to the medication bubbles that hold the medications and some of the Ritalin® pills had been replaced by baby aspirin. The DON further advised that liquid morphine vials had been tampered with as well.

15. On May 16, 2016, Detective Richard Lueneberg conducted an investigative interview of Respondent. During the course of that interview, Respondent advised that she worked as a registered nurse for the Facility.

16. Respondent admitted to Detective Lueneberg that she had stolen Ritalin® from a blister pack at the Facility and replaced the Ritalin® tablets with baby aspirin. She also admitted that, on approximately three (3) occasions, she took liquid morphine and oxycodone using a 10 ml syringe and ingested it at home. She replaced the liquid medications with tap water. Respondent stated that she took these medications the last week of April of 2016, which was the week prior to her employment being terminated at the Facility.

17. On October 11, 2016, Respondent was charged in Juneau County Circuit Court case number 2016CF000187 with three (3) counts of theft of moveable property, in violation of Wis. Stat. § 943.20(1)(a), a felony. The charges remain pending as of the date of the filing of this complaint.

DLSC Case No. 17 NUR 486

18. Jacob Bean is a deputy, employed by the Adams County Sheriff's Office, in Friendship, Wisconsin. His business address is 301 Adams Street, Friendship, Wisconsin, 53934.

19. In the course of Deputy Bean's professional duties, he has been assigned to the investigation of Respondent in Adams County Sheriff's Office case number 2017-6186 relating to a report on September 16, 2017, from staff at the Adams County Jail that Respondent had been making telephone calls from the jail and discussing illegal drugs that were in her car in Adams County, Wisconsin.

20. On September 17, 2017, in the course of Deputy Bean's professional duties as a deputy for the Adams County Sheriff's Office in case number 2017-6186, he received a compact

disc (CD) from jail staff. The CD contained recordings of phone calls made by Respondent to a male individual NH. The calls were made on or about September 8, 2017, by Respondent who was incarcerated in the Adams County Jail at the time of the phone calls.

21. In the phone call conversations, Respondent is heard telling NH that there are illegal drugs in her vehicle. She described where they were near the center console and the driver's seat. Respondent told him that her vehicle was at her mother's residence which is known to law enforcement to be located in the Village of Friendship, Adams County, Wisconsin. Respondent instructed NH to get the keys to the vehicle, remove the "toolbox" and to sell the drugs he found in the vehicle so he could put money in her jail account.

22. On or about September 29, 2017, Deputy Bean executed a search warrant, along with two other deputies, on Respondent's vehicle on her mother's property. Underneath the front seat of the vehicle, Deputy Craig Orlowski found suspected heroin in aluminum foil. A cardboard box to a digital scale, a small plastic baggie containing a white residue and an orange cap to a syringe were also located in the vehicle.

23. Deputy Orlowski and Deputy Bean field tested the suspected heroin and the test result was positive for heroin. The packaging and the substance tested weighed approximately 0.2 g.

24. On October 16, 2017, Respondent was charged in Adams County Circuit Court case number 2017CF000185 with one (1) count of possession with intent to deliver heroin, in violation of Wis. Stat. § 961.41(1m)(d)1, a felony, and two (2) counts of felony bail jumping, in violation of Wis. Stat. §946.49(1)(b), a felony.

25. On November 1, 2017, Respondent was convicted of two (2) counts of bail jumping, a misdemeanor, in violation of Wis. Stat. § 946.41(1m)(d)(1), and one (1) count of resisting or obstructing an officer, a misdemeanor, in violation of Wis. Stat. § 946.49(1)(a), in Adams County Circuit Court case number 2017CF000185. Respondent entered into a deferred prosecution agreement for one (1) count of possession with intent to distribute heroin, a felony, in violation of Wis. Stat. § 946.41.

26. Notice has been given to the Respondent under Wis. Admin. Code § SPS 6.05.

27. There is probable cause to believe that the Respondent has engaged in or is likely to engage in conduct such that the public health, safety, or welfare imperatively requires emergency suspension of the Respondent's license.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized, pursuant to Wis. Stat. §§ 227.51(3), 441.07, and Wis. Admin. Code ch. SPS 6 to summarily suspend the license of Respondent of Jennifer A. Decorah, R.N., to practice nursing in the State of Wisconsin, including the multi-state privilege to practice under the Nurse Licensure Compact, upon probable

cause to believe that Respondent violated the provisions of Wis. Stat. ch. 441, and probable cause to believe that the public health, safety, or welfare imperatively requires emergency action.

2. Sufficient notice of this proceeding has been given to Respondent Jennifer A. Decorah, R.N., as required by Wis. Admin. Code § SPS 6.05.

3. Ritalin® is a brand name for methylphenidate. Pursuant to Wis. Stat. § 961.16(5)(d), methylphenidate is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

4. Pursuant to Wis. Stat. § 961.16(2)(a)10., morphine is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

5. 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).

6. Pursuant to Wis. Stat. § 961.41(d)(1), any person who manufactures, distributes or delivers heroin or a controlled substance analog of heroin is guilty of a class F felony.

7. There is probable cause to believe that Respondent Jennifer A. Decorah, R.N., has violated Wis. Stat. § 441.07 and Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

8. There is probable cause to believe that Respondent Jennifer A. Decorah, R.N., has violated Wis. Stat. § 441.07 and Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

9. It is necessary to immediately suspend Respondent Jennifer A. Decorah, R.N.'s license to practice nursing in the State of Wisconsin, including the multi-state privilege to practice under the Nurse Licensure Compact, to protect the public health, safety, or welfare.

ORDER

1. That pursuant to Wis. Stat. §§ 227.51(3), 441.07, and Wis. Admin. Code ch. SPS 6, the license issued to Respondent Jennifer A. Decorah, R.N. (173651-30), to practice nursing in the State of Wisconsin, including the multi-state privilege under the Nurse Licensure Compact, is summarily SUSPENDED, effective immediately upon actual notice of this summary suspension order to Jennifer A. Decorah, R.N.; or upon service of this Order of Summary Suspension upon Jennifer A. Decorah, R.N., pursuant to Wis. Stat. § 801.11, whichever is sooner, and shall remain in effect until the effective date of a Final Decision and Order issued in a disciplinary proceeding against Respondent, unless otherwise ordered by the Wisconsin Board of Nursing.

2. A notice of hearing commencing disciplinary proceedings under Wis. Admin. Code § SPS 2.06 against Respondent Jennifer A. Decorah, R.N., shall be filed with the Division

of Hearings and Appeals by the Department of Safety and Professional Services, Division of Legal Services and Compliance within ten (10) days of the issuance of this Order.

3. Respondent Jennifer A. Decorah, R.N., is hereby notified of her right, pursuant to Wis. Admin. Code § SPS 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Board of Nursing, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366.

4. In the event that Respondent Jennifer A. Decorah, R.N., requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Wisconsin Board of Nursing of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

11/13/17
Date