

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

IAN W. CUMMINS, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

**0005948**

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Division of Legal Services and Compliance Case No. 17 NUR 447

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

Ian W. Cummins, R.N.  
1739 Apple Drive  
Sun Prairie, WI 53590

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 Ian W. Cummins, R.N., (DOB: August 23, 1988) is licensed by the State of Wisconsin as a professional nurse, having license number 195508-30, first issued on May 15, 2013. This license expired on February 28, 2018, and has not been renewed. Respondent retains the right to renew that license upon payment of a fee until February 27, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1739 Apple Drive, Sun Prairie, WI 53590.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a nursing home (the Home), located in Madison, Wisconsin. Respondent's title at the Home was Nurse Manager.

3. On August 3, 2017, the Home discovered a card of oxycodone 5mg was missing from a resident's room. A search of the Home was completed, but the missing narcotic medication was not found.

4. Respondent was interviewed by the Regional Director of Clinical Services and provided a written statement denying knowledge of the missing narcotic medication. The local police were called in to investigate the missing narcotics.

5. Police interviewed Respondent after co-workers reported Respondent acting suspicious the morning of the incident and having a history of narcotic diversion.

6. During police investigation Respondent confessed to diverting the pills. Respondent produced the missing narcotic medication sheet, and a small vial containing some of the missing narcotic medication. Respondent told police the remaining missing narcotic medication was at his home.

7. On November 20, 2017, Respondent pled guilty in Dane County Circuit Court, case number 2017CF1887 to one (1) count of possession of narcotics drug, a felony, in violation of Wis. Stat. § 961.41 (3g)(am) and entered into a deferred prosecution agreement.

8. 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)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).

3. By the conduct described in the Findings of Fact, Ian W. Cummins, R.N., violated 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.

4. By the conduct described in the Findings of Fact, Ian W. Cummins, R.N., violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

5. As a result of the above conduct, Ian W. Cummins, 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 right to renew the license and privilege of Ian W. Cummins, R.N., (license no. 195508-30) 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. Within 120 days from the date of this Order, Ian W. Cummins, R.N., shall pay COSTS of this matter in the amount of \$580.00.
5. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

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

WISCONSIN BOARD OF NURSING

by:

*Glenn Krause*  
A Member of the Board

11-8-18  
Date



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

IAN W. CUMMINS, R.N.,  
RESPONDENT.

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STIPULATION

0005948

Division of Legal Services and Compliance Case No. 17 NUR 447

Respondent Ian W. Cummins, 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 in 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.

  
Tim W. Cummings, R.N., Respondent  
1439 Apple Drive  
San Bruno, WA 98060  
License no. 195508-30

10/8/18  
Date

  
Karen M. Hall, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 3490  
San Bruno, WA 98060

10/10/2018  
Date