

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
PETER K. LEMONS, R.N., :
RESPONDENT. : **ORDER 0006414**

Division of Legal Services and Compliance Case No. 18 NUR 253

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

Peter K. Lemons, R.N.
N6527 Shorewood Hills Road
Lake Mills, WI 53551

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 Peter K. Lemons, R.N., (DOB March 24, 1982) is licensed in the state of Wisconsin as a registered nurse, having license number 221948-30, first issued on August 14, 2015, and current through February 28, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N6527 Shorewood Hills Road, Lake Mills, Wisconsin 53551.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital (Hospital), located in Madison, Wisconsin.

3. On January 3, 2018, Patient A's family notified the Hospital that Patient A did not receive the oxycodone 5mg tablets that were documented as being given by Respondent on January 2, 2018.

4. On March 25, 2018, Patient B informed the Hospital that, while she was a patient in the Emergency Room (ER) at the Hospital, a nurse diverted some of her oxycodone tablets.

5. Patient B stated that Respondent had inspected her medications and afterwards there were missing oxycodone tablets.

6. Patient B declined to file a police report.

7. On March 27, 2018, Respondent submitted to a urine drug screen and was placed on administrative leave pending the results of the drug screen and the Hospital's ongoing investigation.

8. On April 4, 2018, Respondent called the Hospital and admitted to having a drug addiction and indicated a desire to cooperate with the Hospital's investigation.

9. On April 9, 2018, Respondent admitted, during a meeting with Hospital staff, to diverting oxycodone and hydrocodone tablets that were brought in with patients during the reconciliation process for approximately the last five (5) months.

10. Respondent indicated he would steal oxycodone and hydrocodone pills but could not recall every patient he diverted from nor could he estimate how many pills he diverted.

11. On September 19, 2018, Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract.

12. 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, Peter K. Lemons, 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.

3. As a result of the above conduct, Peter K. Lemons, 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 license of Peter K. Lemons, R.N., (license number 221948-30) to practice nursing in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are **SUSPENDED** for one (1) month from the date of this Order.
3. The license to practice nursing issued to Peter K. Lemons, R.N., (license number 221948-30) is **LIMITED** as follows:
 - a. Respondent Peter K. Lemons, R.N., must comply with the impairment program contract dated September 19, 2018.
 - b. Any violation of the terms of the impairment program contract, dated September 19, 2018, is a violation of this order.
 - c. Respondent may petition for termination of the limitation upon successful completion of the impairment program.
4. In the event Respondent is discharged from the impairment program, Respondent's license may, in the discretion of the Board or its designee, be immediately **SUSPENDED**. In addition to, or instead of, the suspension, the Board may impose additional limitations to address any concerns with the conduct contained in the Findings of Fact and involved in Respondent's discharge from the impairment program.
5. Pursuant to Enhanced Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation.
6. Within 120 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$486.00.
7. 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

Or they may be submitted online via the Department's Monitoring Case Management System at


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

7. In the event Respondent violates any term of this Order, Respondent's license (221948-30), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9/19/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PETER K. LEMONS, R.N.,
RESPONDENT.

STIPULATION

ORDER 0006414

Division of Legal Services and Compliance Case No. 18 NUR 253

Respondent Peter K. Lemons, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

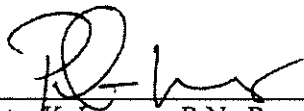
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives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

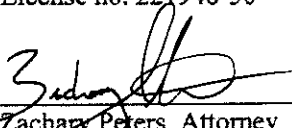
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Peter K. Lemons, R.N., Respondent
N6527 Shorewood Hills Rd.
Lake Mills, WI 53551
License no. 221948-30

8/12/2019
Date



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

8/12/19
Date