

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

PHILIP D. KNESE, R.N., A.P.N.P.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006573

Division of Legal Services and Compliance Case No. 19 NUR 242

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

Philip D. Knese, R.N., A.P.N.P.
Barnum, MN

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 Philip D. Knese (DOB xx-xx-1983) is licensed in the State of Wisconsin as a registered nurse, having license number 247144-30, first issued on April 4, 2019 and current through February 28, 2020, and certified as an advanced practice nurse prescriber, having credential number 9231-33, first issued on April 26, 2019 and current through September 30, 2020.

2. At all times relevant to this proceeding, Respondent was employed as a nurse at a hospital in Minnesota (Hospital) and part-time at its clinic located in Ashland, Wisconsin (Clinic).

3. On April 5, 2019, Respondent self-reported to the Department of Safety and Professional Services (Department) that he practiced nursing in Wisconsin without a license.

4. Respondent reported that the Hospital opened the Clinic on October 1, 2018 and he was assigned there. He said he saw fifty (50) Wisconsin patients and prescribed one (1) controlled substance before he realized he needed to obtain his Wisconsin license.

5. According to the Hospital, Respondent saw patients at the Clinic one (1) day every two (2) weeks from June 12, 2018 through February 24, 2019. Respondent realized he did not have a Wisconsin license after hearing a colleague comment about getting a Wisconsin license.

6. Upon realizing he did not have the proper Wisconsin licensure, Respondent immediately stopped practicing, informed the Hospital, and submitted his Wisconsin license application. The Hospital investigated all patients seen by Respondent during his unlicensed period, reviewed all his prescriptions, returned all payments received for his services, and notified the Minnesota and Wisconsin Boards of Nursing and the Drug Enforcement Administration.

7. The Department received Respondent's application for an advanced practice nurse prescriber (A.P.N.P.) certification on March 15, 2019 and his application for a registered nurse (R.N.) license on March 26, 2019.

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. By the conduct described in the Findings of Fact, Philip D. Knese, R.N., A.P.N.P., violated Wis. Stat. § 441.06(4), by practicing registered nursing in Wisconsin without a license.

3. As a result of the above conduct, Philip D. Knese, R.N., A.P.N.P., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Philip D. Knese, R.N., A.P.N.P., is REPRIMANDED.

3. The registered nurse license (license number 247144-30) and the advanced practice nurse prescriber certification (credential number 9231-33) issued to Philip D. Knese, and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact, are LIMITED as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete two (2) hours of continuing education

on the topic of nurse practice acts offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license and certification after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within 120 days from the date of this Order, Philip D. Knese, R.N., A.P.N.P., shall pay COSTS of this matter in the amount of \$390.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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:

www.dspsmonitoring.wi.gov

6. In the event Respondent violates any term of this Order, Respondent's license (247144-30) and credential (9231-33), or Respondent's right to renew his license and credential, 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.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

12/12/19
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PHILIP D. KNESE, R.N., A.P.N.P.,
RESPONDENT.

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STIPULATION

ORDER 0006573

Division of Legal Services and Compliance Case No. 19 NUR 242

Respondent Philip D. Knese, R.N., A.P.N.P., 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.

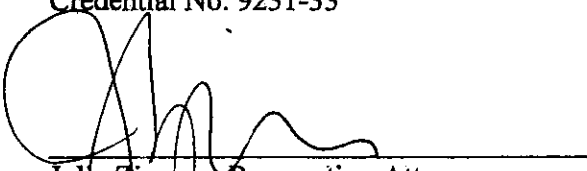
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Philip D. Knese, R.N., A.P.N.P., Respondent
License No. 247144-30
Credential No. 9231-33

11/27/19
Date


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

11/27/19
Date