

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
BONNIE S. CABRERA, R.N., :
RESPONDENT. : CR020006609

Division of Legal Services and Compliance Case Nos. 18 NUR 160, 18 NUR 502, 18 NUR 515
and 19 NUR 038

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Bonnie S. Cabrera, R.N.
Hatley, WI 54440

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Bonnie S. Cabrera, R.N., (DOB xx/xx/1984) is licensed by the state of Wisconsin as a registered nurse, having license number 233541-30, first issued on July 1, 2010, suspended as of January 9, 2020, and expired on February 29, 2020.
2. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her nursing license upon payment of a fee until February 28, 2025, but that right is subject to the pending suspension.

3. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Hatley, Wisconsin, 54440, but upon information and belief, Respondent resides and receives mail in Rothschild, Wisconsin 54474.

18 NUR 160

4. At all times relevant hereto, Respondent was employed as a registered nurse at a hospital located in Wausau, Wisconsin (Hospital).

5. A Hospital Pyxis report identified that, on or about February 18, 2018, Respondent dispensed Oxycodone for a patient for whom she was not providing care, and without other valid reason for doing so.

6. Respondent denied dispensing the Oxycodone, but a Hospital investigation yielded evidence disputing her denial and determined Respondent had one of the highest standard deviations in narcotic dispensing compared to her peers.

18 NUR 502 and 18 NUR 515

7. At all times relevant hereto, Respondent was employed as a registered nurse at a nursing home facility located in Wausau, Wisconsin (Facility).

8. On July 8, 2018, it was noted that 2ml of liquid morphine sulfate prescribed to a Facility resident for whom Respondent was caring was missing and that the remainder of the drug appeared lighter in color than usual.

9. On July 9, 2018, Respondent charted that she dropped and wasted Norco 10-325mg, as witnessed by another nurse. However, when interviewed, the other nurse stated she administered the medication and denied it was dropped and wasted by either her or Respondent.

10. A Facility investigation raised multiple employee concerns about Respondent, including long breaks, frequent bathroom trips, and excessive time spent in the medication room.

11. The Facility required Respondent to undergo urinalysis drug testing and after the first sample was declined for potential tampering, the second sample was positive for benzodiazepines, opiates, and Oxycodone.

12. Respondent claimed the positive test results reflected legitimately prescribed medications, but could not provide supporting medical documentation, and then subsequently admitted to diverting medications from the Facility due to her substance abuse problem.

19 NUR 038

13. On November 18, 2018, Respondent was charged in Marathon County Case No. 18-CF-1301 with *Possession of Methamphetamine, Possession of a Controlled Substance On Or Near Certain Places* (Felony 1) and *Possession of Drug Paraphernalia* (Misd. U).

14. The facts underlying the charges in Marathon County Case No. 18-CF-1301 were that on November 16, 2018, while working as a private nurse for a disabled elementary school student, Respondent was arrested for possessing and using methamphetamine at the school while caring for the child.

15. Respondent has not worked as a nurse since her arrest on November 16, 2018.

16. On January 9, 2020, the Board summarily suspended Respondent's license to practice nursing in Wisconsin. The suspension has remained in effect without interruption and now applies to Respondent's right to renew her expired nursing license.

17. On February 3, 2020, Respondent entered into a Deferred Entry of Judgment Agreement whereby she pled no contest and was convicted of *Possession of Drug Paraphernalia*, in violation of Wis. Stat. § 961.573(1). Respondent entered into a deferred prosecution agreement on the charge for *Possession of Methamphetamine, Possession of a Controlled Substance On Or Near Certain Places*, whereby that conviction will be deferred for two years and dismissed if Respondent complies with the terms of her probation in the interim. Probation terms include, *inter alia*, complete sobriety, AODA treatment, and employment.

18. In resolution of these matters, Respondent consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in these matters 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 above, Respondent engaged in unprofessional conduct as defined by 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.

3. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(6)(e) by practicing nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications.

4. By the conduct described above, Respondent engaged in unprofessional conduct as defined by 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, Bonnie S. Cabrera, 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 VOLUNTARY SURRENDER of the license and privilege of Bonnie S. Cabrera, R.N., (license no. 233541-30) to practice nursing in the state of Wisconsin or under another state license pursuant to the Enhanced Nurse Licensure Compact, and the appurtenant right to renew the license, is hereby accepted.
3. Respondent shall not petition the Board of Nursing (Board) for reinstatement for at least three (3) years from the date of this Order. After the three (3) year period, Respondent may or may not be granted reinstatement, but may submit a petition for reinstatement which includes the following information:

Mental Health/AODA

- a. A list of every individual who has treated Respondent for any mental health and/or AODA condition between the date of this Order and the date of Respondent's petition for reinstatement (Treater).
- b. A report prepared by each Treater, as follows:
 - i. Each report shall be prepared by the Treater no more than thirty (30) days prior to being submitted with the petition for reinstatement.
 - ii. All reports shall include a current CV and copies of all professional licenses and board certifications held by the Treater.
 - iii. Each Treater must be licensed and board certified in a relevant field of practice. At the discretion of the Board's designee, additional experience in a relevant field of practice and/or alternate recognitions may be substituted for board certification, particularly if board certification is not available in the Treater's profession.
 - iv. Each Treater report shall summarize the course of the Treater's care of Respondent to date, prognosis at the time of the report, and future treatment plans, and shall identify specific mental health and/or AODA treatment goals, if any, which must be met before Respondent is able to practice nursing with reasonable skill and safety.
 - v. Each Treater report shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice nursing with reasonable skill and safety.
 - vi. All opinions and conclusions in each Treater report must be rendered to a reasonable degree of professional certainty.

- vii. Respondent must provide each Treater with a copy of this Order.
- viii. Respondent shall authorize the Board or its designee to obtain complete certified records created by each Treater in the course of their treatment of Respondent and allowing the Board or its designee to communicate freely with each Treater.

Law Enforcement/Court Actions

- c. A list of all law enforcement encounters involving Respondent since the date of this Order, whether or not they resulted in arrest or citation, including a brief summary of the encounter and result.
 - d. A list of all circuit or municipal court actions involving Respondent since the date of this Order, including case number and a brief summary of the action and result.
4. The Board may require Respondent to provide any additional information and/or undergo any additional testing and/or assessment(s) it deems appropriate before determining whether to deny or grant Respondent's petition for reinstatement.
5. If the Board grants Respondent's petition for reinstatement, it may impose any condition(s) and/or limitation(s) on Respondent's license it deems appropriate to protect the health, safety and welfare of patients and the public.
6. Respondent is responsible for all expenses related to the reinstatement petition.
7. As a prerequisite to any petition for reinstatement, Respondent shall pay the COSTS of these matters in the amount of \$2,237.00.
8. If applicable, all required submissions and payment of costs shall be made to the Wisconsin Department of Safety and Professional Services Monitor and sent to 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://dspsmonitoring.wi.gov/>

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

9/10/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

BONNIE S. CABRERAS, R.N., :
RESPONDENT. :

STIPULATION

ORDER 2006609

Division of Legal Services and Compliance Case Nos. 18 NUR 160, 18 NUR 502, 18
NUR 515 and 19 NUR 038

Respondent Bonnie S. Cabrera, 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 pending investigations by the
Division of Legal Services and Compliance. Respondent consents to the resolution of
these investigations 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.

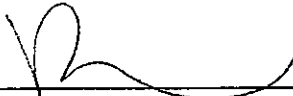
4. Respondent agrees to the adoption of the attached Final Decision and
Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent
to the entry of the attached Final Decision and Order without further notice, pleading,
appearance or consent of the parties. Respondent waives 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 matters 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.

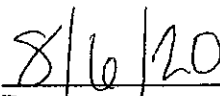
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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



Bonnie S. Cabrera, R.N.
P.O. Box 145
Hatley, WI 54440¹
License nos. 233541-30



Date



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

08/19/2020

Date

¹ Upon information and belief, Respondent resides and receives mail at 202 1st Street, Apt. 13, Rothschild, WI 54474.