

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIMBERLY K. STECKER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
: **ORDER 0006611**

Division of Legal Services and Compliance Case No. 18 NUR 154

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

Kimberly K. Stecker, R.N.
Colorado Springs, CO 80904

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 Kimberly K. Stecker, R.N., (DOB XX-XX-1973) is licensed in the state of Wisconsin as a registered nurse, having license number 198194-30, first issued on October 30, 2013, and current through February 28, 2020. Respondent's Wisconsin license has been inactive since December 17, 2018.

2. On February 8, 2018, at approximately 6:30 p.m., while Respondent was employed as a registered nurse at a rehabilitation center (Center), located in Tomah, Wisconsin, Certified Nursing Assistant (CNA) A witnessed Respondent remove a controlled substance from a locked drawer and place it in her left hand. Respondent then obtained a pill from the over-the-counter medication drawer and place it in a medicine cup. Respondent then put her left hand, which held the controlled substance, in her pocket.

3. A medication count was conducted, and Resident A was missing one (1) hydromorphone 5 mg tablet. Respondent stated she dropped the tablet on the floor of Resident A's room.

4. The Director of Nursing and Unit Supervisor searched Resident A's room but were unable to locate the tablet.

5. On December 17, 2018, Respondent changed her primary state of residence to Colorado.

6. On February 25, 2019, the Colorado Board of Nursing (Colorado Board) entered a Stipulation and Final Agency Order (Colorado Order) against Respondent.

7. As part of the Colorado Order, Respondent admitted the following facts:

- a. In November 2018, Respondent's employer, a health care center located in Colorado Springs, Colorado, was concerned that Respondent diverted two (2) morphine tablets when it was discovered at the end of her shift that a narcotic card containing morphine pills had been tampered with. The bubble pack had been opened and two (2) pills inside the bubble pack were found to be aspirin.
- b. In January 2019, Respondent worked for a different employer, a nursing home located in Colorado Springs, Colorado. Between January 5 and 8, 2019, Respondent gave a resident Tylenol and represented it as Norco. On or about January 10, 2019, Respondent documented administering Percocet to a patient, but the patient stated she did not ask for or receive Percocet.
- c. On or about December 27, 2018, Respondent underwent an assessment at Peer Assistance Services (PAS). On or about January 22, 2019, PAS provided the Colorado Board with a written assessment summary concluding that Respondent was only safe to practice nursing with reasonable skill and safety with treatment and monitoring.
- d. As part of the PAS assessment, Respondent underwent a urine drug screen, which tested positive for morphine.
- e. Respondent has a physical or mental disability which renders her unable to practice nursing with reasonable skill and safety to patients and which may endanger the health or safety of persons under her care.
- f. Respondent has excessively used or abused controlled substances.
- g. On January 24, 2019, Respondent signed a rehabilitation contract with PAS (PAS Contract) in which she must participate for a minimum of five (5)

years and must continually comply with all terms and conditions of the PAS contract.

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, Kimberly K. Stecker, R.N., violated Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.

3. By the conduct described in the Findings of Fact, Kimberly K. Stecker, 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.

4. As a result of the above conduct, Kimberly K. Stecker, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kimberly K. Stecker, R.N., is REPRIMANDED.

3. The license to practice nursing and the right to renew the nursing license issued to Kimberly K. Stecker, R.N., (license number 198194-30) are LIMITED as follows:

a. Respondent must comply with Colorado Order and successfully complete the PAS Contract.

b. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed the PAS Contract.

c. Any violation of the PAS Contract is a violation of this Order.

4. In the event Respondent is unsuccessfully discharged from PAS Contract, Respondent's Wisconsin credential 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 surrounding the Findings of Fact and Respondent's unsuccessful discharge from the PAS Contract.

5. Within 120 days from the date of this Order, Kimberly K. Stecker, R.N., shall pay COSTS of this matter in the amount of \$709.00.

6. 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:

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

7. In the event Respondent violates any term of this Order, Respondent's license (198194-30), or Respondent's right to renew her 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: Lamela K. White, RN
A Member of the Board

01/09/2020
Date

RECEIVED

DEC 16 2019

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES
OFFICE OF THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIMBERLY K. STECKER, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0006611

Division of Legal Services and Compliance Case No. 18 NUR 154

Respondent Kimberly K. Stecker, 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.

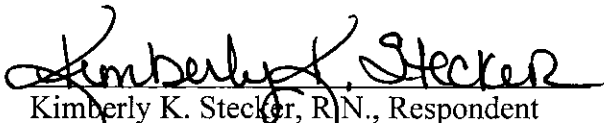
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Kimberly K. Stecker, R.N., Respondent
Colorado Springs, CO 80904
License No. 198194-30

12-10-19

Date



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

12/17/2019

Date