

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
ERIN M. KUNZ, R.N., :
RESPONDENT. : **ORDER 0006930**

Division of Legal Services and Compliance Case Nos. 18 NUR 602 and 19 NUR 481

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

Erin M. Kunz, R.N.
Milwaukee WI, 53223

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 Erin M. Kunz, R.N., (DOB: XX/XX/1982) is licensed in the state of Wisconsin as a registered nurse, having license number 157175-30, first issued on February 5, 2007, and current through February 28, 2022.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at hospitals, located in Milwaukee (Facility A) and Menomonee Falls (Facility B), Wisconsin.

18 NUR 602

3. After an audit of Respondent's controlled substance handling records between March 1, and October 3, 2018, Respondent was suspected of diverting hydromorphone and morphine from Facility A.

4. On October 4, 2018, Respondent submitted to a drug screen that was positive for oxycodone.

5. Respondent denied diverting controlled substances from Facility A

6. Respondent provided documentation for a prescription for oxycodone, filled on December 20, 2016, that Respondent took as needed, including prior to the positive test above.

19 NUR 481

7. On August 23, 2019, the Department received a complaint from Facility B alleging that between March 2019 and May 2019:

- a. Respondent had a higher narcotic removal rate from the automated dispensing system when compared to peers.
- b. Respondent had discrepancies in the documentation of dispensing, administration, and wasting of narcotics.

8. On June 27, 2019:

- a. Respondent's backpack was searched at Facility B and contained property of Facility B and two (2) tablets of medication including one (1) tablet of oxycodone.
- b. Respondent submitted to a drug test that was negative for all substances screened.

9. Respondent denied diverting narcotics from Facility B.

10. Respondent admitted to failing to follow protocol in failing to waste unused medications on the shift that they were dispensed.

11. Respondent admitted to keeping medications in a personal supply bag in Facility B in between shifts.

12. In resolution of this matter. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board 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, Respondent violated Wis. Admin. Code § N 7.03(6)(c), by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety..

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. The registered nurse license issued to Respondent (license number 157175-30) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete five (5) hours of education on the topic of documentation offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. 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.
 - c. 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.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Pursuant to the Enhanced Nurse Licensure Compact (Compact), Respondent may not practice in another Compact State, other than Wisconsin, while their license is encumbered by any term or restriction of this Order.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$487.00.

6. Request for approval of courses, proof of successful course completion and 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://dpsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (157175-30), or Respondent's right to renew their 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:

Peter Kallio
A Member of the Board

8/13/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIN M. KUNZ, R.N.,
RESPONDENT.

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STIPULATION
ORDER 0006930

Division of Legal Services and Compliance Case Nos. 18 NUR 602 and 19 NUR 481

Respondent Erin M. Kunz, 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. Respondent
is represented by Attorney Kristen Nelson.


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.

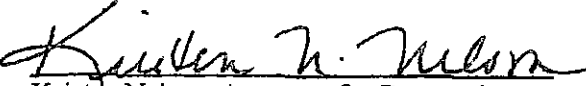
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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


Erin Kunz, R.N., Respondent
Milwaukee, WI 53223
License no. 157175-30

7/6/2020
Date


Kristen Nelson, Attorney for Respondent
Gimbel, Reilly, Guerin, Brown, LLP
330 E. Kilbourn Ave., Suite 1170
Milwaukee, WI 53202

7/7/20
Date


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

July 8, 2020
Date