

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 :
 :
TODD W. MEHRHOFF, R.N., A.P.N.P., : FINAL DECISION AND ORDER
RESPONDENT. :
 : **ORDER 0007080**

Division of Legal Services and Compliance Case Nos. 20 NUR 471 and 20 NUR 472

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

Todd W. Mehrhoff, R.N., A.P.N.P.
DeForest, WI 53532

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 Todd W. Mehrhoff, R.N., A.P.N.P., (DOB XX/XX/1969) is licensed in the state of Wisconsin as a registered nurse, having license number 125041-30, first issued on January 7, 1997. This license was set to expire on February 28, 2018. Pursuant to Wis. Stat. § 227.51(2), the license remains active until the Board acts upon the application for renewal.

2. Respondent is certified in the state of Wisconsin as an advance practice nurse prescriber, having certificate number 2595-33, first issued on April 13, 2005. This certificate expired on September 30, 2018, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2023.

3. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in DeForest, Wisconsin 53532.

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

5. In December 2017, operating room employees found a fentanyl syringe on the medical cart. Investigation showed that Respondent removed the syringe the day prior and did not record administration or waste of the syringe.

6. A more detailed investigation found that Respondent diverted fentanyl more than 100 times between August and December 2017.

7. Respondent admitted he obtained fentanyl for patients he was not assigned to on days where no surgeries were scheduled and he obtained fentanyl in amounts greater than needed for a typical procedure for his personal use.

8. On March 5, 2019, Respondent was convicted in United States District Court for the Western District of Wisconsin of five (5) counts of acquiring fentanyl by misrepresentation, a class E felony, in violation of 21 U.S.C. §§ 843(a)(3) and 843(d)(1).

9. On June 28, 2018, Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract.

10. 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. A nurse who possesses a multistate license from Wisconsin is ineligible to retain or renew the multistate license should the nurse incur a disqualifying event after the effective date of the Enhanced Nurse Licensure Compact pursuant to Wis. Stat. § 441.51(3)(g). The effective date of the Compact is July 20, 2017.

3. Having been convicted of a felony offense under applicable state or federal criminal law is a disqualifying event pursuant to Wis. Stat. § 441.51(3)(c)7.

4. By the conduct described in the Findings of Fact, Respondent is ineligible to retain a Wisconsin multistate license to practice nursing pursuant to Wis. Stat. §§ 441.51(3)(c)7. and 441.51(3)(g).

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(2), by violating any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(e), by obtaining, possessing or attempting to obtain or possess a drug without lawful authority.

7. As a result of the above conduct, Todd W. Mehrhoff, R.N., A.P.N.P., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c), and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent's multistate registered nurse license is deactivated; Respondent retains a Wisconsin single-state license to practice registered nursing.

3. The single-state registered nurse license and any appurtenant right to renew and the advanced practice nurse prescriber certificate and any appurtenant right to renew issued to Respondent (license 125041-30 and 2595-33, respectively) in the state of Wisconsin are **SUSPENDED** for three (3) months from the date of this Order.

4. The single-state registered nurse license and any appurtenant right to renew and the advanced practice nurse prescriber certificate and any appurtenant right to renew issued to Respondent (license 125041-30 and 2595-33, respectively) issued to Respondent are **LIMITED** as follows:

- a. Respondent must comply with the impairment program contract dated June 28, 2018.
- b. Any violation of the terms of the impairment program contract, dated June 28, 2018, is a violation of this order.
- c. Respondent may petition for termination of the limitation upon successful completion of the impairment program.

5. In the event Respondent is discharged from the impairment program prior to successful completion, Respondent's license and certificate 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.

6. Within 120 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$681.00.

7. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) and petitions for termination 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

Respondent may also submit this information online via the Department's Monitoring Case Management System at

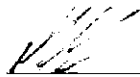
<https://dpsmonitoring.wi.gov>

8. In the event Respondent violates any term of this Order, Respondent's license and certificate (license 125041-30 and 2595-33, respectively), 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.

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

12 November 2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TODD W. MEHRHOFF, R.N., A.P.N.P.,
RESPONDENT.

:
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:
:
:
:

STIPULATION

ORDER 0007080

Division of Legal Services and Compliance Case Nos. 20 NUR 471 and 20 NUR 472

Respondent Todd W. Mehrhoff, 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.

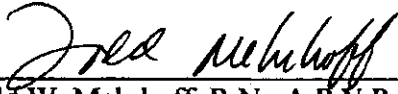
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Todd W. Mehrhoff, R.N., A.P.N.P., Respondent
DeForest, WI 53532
License No. 125041-30
Certificate No. 2595-33

10/27/20
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

10/28/2020
Date