

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

AMY L. GUNDERSON, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007159

Division of Legal Services and Compliance Case No. 19 NUR 270

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

Amy L. Gunderson, R.N.
Waupun, WI 53963-9704

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 Amy L. Gunderson, R.N., (DOB xx-xx-1976) is licensed in the state of Wisconsin as a registered nurse, having license number 157706-30, first issued on March 7, 2007, and current through February 28, 2022. Respondent possesses multistate practice privileges pursuant to the Enhanced Nurse Licensure Compact (Compact).
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Waupun, Wisconsin 53963-9704.
3. At all times relevant to this matter, Respondent was employed as a registered nurse at a correctional facility in Wisconsin (Facility).

4. On December 7, 2016, Respondent resigned from her employment at the Facility after being accused of having a sexual relationship with an inmate.

5. On December 15, 2016, Respondent admitted to Department of Corrections investigators that she exchanged several letters with an inmate between August and September 2016. The letters contained personal information and were sexually explicit.

6. Respondent denied having sexual contact with the inmate.

7. On January 3, 2018, Respondent pled no contest in Dodge County Circuit Court case number 2017CF000093 to one (1) count of Delivering Illegal Articles to an Inmate, a Class I felony, in violation of Wis. Stats. §§ 302.095(2) and 939.50(3)(i). Respondent entered into a Deferred Prosecution Agreement (DPA) in which she was ordered to perform 40 hours of community service, have no contact with any inmates, and stay off the premises of any correctional facility.

8. On January 9, 2019, Respondent successfully completed the terms of the DPA, and her criminal case was dismissed. Respondent has since been diagnosed with bipolar disorder for which she is on medication and is undergoing therapy.

9. 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, 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 in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(e)1.a., by violating principles of professional boundaries, including failing to establish, maintain, or communicate professional boundaries with a patient.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § N 7.03(4)(f)1.a., by engaging in sexually explicit conduct with or in the presence of a patient.

5. 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. The registered nursing license issued to Respondent (license number 157706-30) is SUSPENDED for two (2) weeks from the date of this Order.
3. The registered nursing license issued to Respondent (license number 157706-30), and her privilege to practice in Wisconsin pursuant to the Compact, are LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete six (6) hours of education on professional boundaries:
 - i. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Board of Nursing, or its designee, prior to commencement of the courses.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed the ordered education.
 - b. Within ninety (90) days of the date of this Order, Respondent shall, at her own expense, undergo and complete a fitness for practice evaluation with a pre-approved psychiatrist or psychologist (Evaluator) who has not provided treatment to Respondent and is experienced in evaluating whether a health care professional is fit for practice:
 - i. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the Evaluator.

- ii. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- iii. Within fifteen (15) days of completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with her ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
- iv. Respondent shall execute necessary documents authorizing the Department to obtain records of the evaluation, and to discuss Respondent and her case with the Evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.
- v. If the Evaluator determines that Respondent is not fit for practice or is fit for practice with limitations, the Board or its designee may suspend Respondent's license until Respondent provides proof sufficient to convince the Board or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- vi. If the Evaluator determines that Respondent is fit for practice or is fit for practice with limitations, the Board or its designee may limit Respondent's license in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
 - 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with quarterly reports to the Board by the therapist.
 - 2. Additional professional education in any identified areas of deficiency.
 - 3. A Board-approved nursing refresher course.

4. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Board, with periodic reports to the Board by the supervisor.

vii. Respondent is responsible for ensuring that the results of the evaluation are sent to the Department Monitor at the address below.

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 \$1,195.00.

6. Request for approval of courses, any documentation required under this Order, 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
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 DSPS' Monitoring Case Management System, here:
<https://dpsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (No. 157706-30), 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: 
A Member of the Board

1/14/2021
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY L. GUNDERSON, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0007159

Division of Legal Services and Compliance Case No. 19 NUR 270

Respondent Amy L. Gunderson, 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.

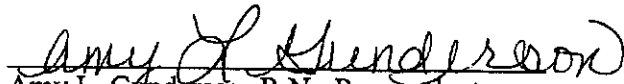
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Amy L. Gunderson, R.N., Respondent
Waupun, WI 53963-9704
License No. 157706-30

12.15.20
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

12/16/2020
Date