

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF :  
ELIZABETH C. KUSS, R.N., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
: **ORDER 0007264**

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Division of Legal Services and Compliance Case No. 19 NUR 144

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

Elizabeth C. Kuss, R.N.  
Allenton, WI 53022

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. Licensee Elizabeth C. Kuss, R.N., (DOB: XX/XX/1987) is licensed in the state of Wisconsin as a registered nurse, having license number 196712-30, first issued on July 5, 2013 and current through February 28, 2022. Licensee's most recent mailing address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Allenton, Wisconsin 53022. Respondent's most recent physical address on file with the Department is in West Bend, Wisconsin 53095.

2. At all times relevant to this proceeding, Licensee was employed as a professional nurse at correctional institution (Facility), located in Fond du Lac, Wisconsin 54935.

3. Patient A was transferred to the Facility on April 2, 2019 with multiple chronic conditions: COPD, diabetes, kidney transplant, hypothyroidism, numbness in hand, and coronary

artery disease, and required moderate assistance with cares and ambulation. Patient A had also recently been diagnosed with a urinary tract infection and was taking an antibiotic, sulfamethoxazole/trimethoprim.

4. Over the next several days, Patient A experienced some deterioration in her ability to perform her activities of daily living and requested assistance from the nursing staff in performing these functions.

5. On April 6, 2019, Licensee completed an independent assessment on Patient A. Licensee did not notify the on-call provider of Patient A's abnormal vital signs.

6. On April 7, 2019, at 9:30 a.m., Licensee documented an incomplete set of vital signs for Patient A and did not notify the on-call provider of Patient A's low temperature of 35.5 degrees Celsius. Licensee did not notify the on-call provider regarding the low temperature.

7. At 1:11 p.m., Licensee documented that Patient A appeared to be tired and was much stronger earlier in the day.

8. At 4:55 p.m., Licensee documented that she tried getting Patient A's blood pressure (BP) in the morning, but the automatic BP machine would not read nor could it be heard manually. Licensee noted that she informed her supervisor of Patient A's status.

9. At 6:35 p.m., Licensee documented that Patient A complained she could not breathe. Licensee could not obtain a pulse oximetry reading due to Patient A's hands being cold. Licensee contacted Nurse B to evaluate Patient A. Nurse B also could not obtain pulse oximetry reading, blood pressure, hear a good, solid heartbeat, or feel a strong definite right radial pulse. The pulse oximeter eventually registered at 69% and never got above 88%. Patient A was transferred to a local hospital via ambulance.

10. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Elizabeth C. Kuss, R.N., shall at her own expense take and successfully complete three (3) hours of education on the topic of patient advocacy as follows:

a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval

of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).

- b. Licensee 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 education requirements that have been or may be instituted by the Board or Department.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Credential Holder. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur


3. Request for approval of courses and proof of successful course completion shall be sent by Licensee 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

Credential Holder may also submit this information online at: <https://dpsmonitoring.wi.gov>

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

WISCONSIN BOARD OF NURSING

by:   
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A Member of the Board

11 March 2021  
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Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF :

ELIZABETH C. KUSS, R.N.,  
LICENSEE. :

STIPULATION  
ORDER 0007264

Division of Legal Services and Compliance Case No. 19 NUR 144

Licensee Elizabeth C. Kuss, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Kirk Everson.

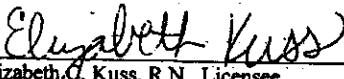
4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives all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

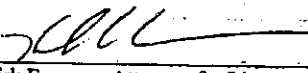
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee or Licensee's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

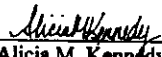
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Elizabeth G. Kuss, R.N., Licensee  
Allenton, WI 53022  
License No. 196712-30

2/22/2021  
Date

  
Kirk Everson, Attorney for Licensee  
Everson & Richards LLP  
N9525 Van Dyne Road  
PO Box 16  
Van Dyne, WI 54979

2/22/21  
Date

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

2/26/21  
Date