

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

JACLYN K. DIONYSIUS, R.N.,
RESPONDENT.

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DLSC Case No. 21 NUR 006

ORDER 0007369

ORDER OF SUMMARY SUSPENSION

The Petition for Summary Suspension of the license of Jaclyn K. Dionysius, R.N., to practice as a registered nurse, dated April 28, 2021, was noticed to be presented to the Wisconsin Board of Nursing (Board) at 8:00 a.m., or as soon thereafter as the matter could be heard, on May 13, 2021. At that time, Attorney Carley J. Peich Kiesling appeared for the Petitioner, Department of Safety and Professional Services, Division of Legal Services and Compliance. Respondent did not appear.

The Board, having considered the sworn Petition for Summary Suspension; the Affidavit of Carley Peich Kiesling and attached exhibits, and the Affidavit of Shannon Wagner, as evidence; the Affidavit of Service of Steve Engelbrecht, certifying that a true and accurate copy of the Notice of Presentation of Petition for Summary Suspension, Petition for Summary Suspension and Affidavits of Carley Peich Kiesling and Shannon Wagner were sent via certified and regular U.S. Mail, as well as by electronic mail, to Respondent on April 28, 2021; and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Respondent Jaclyn K. Dionysius, R.N., (DOB: xx-xx-1983) is licensed in the state of Wisconsin to practice as a registered nurse, having license number 233911-30, first issued on February 20, 2017, and current through February 28, 2022.
2. Respondent's most recent address on file with the Department is [REDACTED] South Beloit, Illinois 61080.
3. Respondent was also licensed in Illinois to practice as a registered nurse, having license number 041436434, first issued on November 4, 2015.
4. In 2018, the Illinois Department of Financial and Professional Regulation (IL Department) opened an investigation based on a complaint that a pre-employment urine drug screen (UDS) submitted by Respondent on August 17, 2018, tested positive for lorazepam, for which Respondent did not have a prescription.

5. Respondent failed to cooperate with the IL Department's investigation, failed to answer the complaint, and failed to show up at scheduled hearings.

6. On December 12, 2019, Respondent's Illinois license was suspended by the IL Department for engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, pursuant to 225 ILCS 65/70-5(b)(7) and violating 68 Ill. Admin. Code 1300/*et seq.* ("Nurse Practice Act").

7. Respondent renewed her Wisconsin license on February 25, 2020.

8. Respondent did not report the suspension of her Illinois license when she renewed her Wisconsin license on February 25, 2020, or at any other time.

9. On November 3, 2020, Respondent began work as a registered nurse at Delavan Health Services in Delavan, Wisconsin (Facility).

10. The Facility initiated an investigation on December 26, 2020, after it was discovered that fifteen pages from the Facility narcotic books were missing, with each page containing one to thirty narcotics.

11. As part of its investigation, the Facility audited narcotic books for the prior two years and found no missing pages until after Respondent started working at the Facility.

12. Based on its investigation, the Facility concluded that Respondent diverted narcotics on December 24 and 25, 2020. Specifically, the Facility concluded that on December 24, 2020, Respondent took a narcotic book and sixty (60) Percocet and started a new narcotic book to cover her diversion, and that on December 25, 2020, she took a card of eighteen (18) Oxycodone tablets.

13. On December 26, 2020, Respondent was asked by the Facility to submit to a UDS at Mercy Walworth Hospital. Initially, Respondent agreed to do so. However, the Hospital subsequently reported they had no record of a urine sample from Respondent. Respondent claimed that she went to the Hospital but that they did not give her any paperwork and must have lost her sample.

14. The Facility noted that two other nurses were asked to give urine samples on the same date and had been given a carbon copy of their results immediately. Both of those nurses' UDS results were negative. Based on this information, the Facility considered Respondent to have refused the UDS and her employment was terminated.

15. Respondent did not report the suspension of her Illinois license to the Facility when she was hired. When the Facility asked Respondent about the suspension of her Illinois license during their investigation, she stated that she had never been in trouble and that it must be a mistake.

16. The Facility contacted the Delavan Police Department and an officer interviewed Respondent on December 28, 2020, at which time she denied diverting the narcotics. Between December 28, 2020, and March 4, 2021, the officer called Respondent numerous times to follow-

up and left voicemails, but she never called him back. Charges of theft were referred to the Walworth County District Attorney's Office.

17. On January 11, 2021, the Department received a complaint regarding Respondent's diversion at the Facility, which was assigned case number 21 NUR 006.

18. On January 15 and January 26, 2021, the Division of Legal Services and Compliance (Division) sent an email to Respondent at her email address on file with the Department ([REDACTED]) requesting a response to the complaint. Respondent did not respond.

19. On February 3, 2021, the Division sent a letter to Respondent at her mailing address on file with the Department ([REDACTED] South Beloit, Illinois 61080) requesting her response to the complaint. Respondent did not respond.

20. On February 19, 2021, a Division investigator attempted to call Respondent at the phone number on file with the Department ([REDACTED]); however, the phone number was disconnected. Another request for her response was sent to Respondent at her email address on file with the Department ([REDACTED]) on the same date.

21. On April 1, 2021, a Division investigator called Respondent using a phone number found on the police report ([REDACTED]) and spoke with Respondent. Respondent claimed she had not received any of the Division's prior requests but did confirm that the address on file with the Department is her correct address. Respondent said she would call the investigator back later that day but never did.

22. On April 5, 2021, a Division investigator called Respondent again using the phone number found on the police report ([REDACTED]) and left a voicemail. Respondent did not respond.

23. By the conduct described in paragraphs 3-6 above, Respondent was noncompliant with federal, jurisdictional, or reporting requirements 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, within the meaning of Wisconsin Admin. Code § N 7.03(1)(b).

24. By the conduct described in paragraphs 18-22 above, Respondent was noncompliant with federal, jurisdictional, or reporting requirements by, after a request of the board, failing to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder, within the meaning of Wisconsin Admin. Code § N 7.03(1)(c).

25. By the conduct described in paragraphs 9-14 above, Respondent violated laws substantially related to the practice of nursing, within the meaning of Wis. Admin. Code § N 7.03(2).

26. By the conduct described in paragraphs 9-14 above, Respondent engaged in fraud, deception or misrepresentation by falsifying or inappropriately altering reports, patient documentation, agency records, or other health documents, within the meaning of Wisconsin Admin. Code § N 7.03(5)(a).

27. By the conduct described in paragraphs 9-14 above, Respondent engaged in unsafe practice or substandard care by departing from or failing to confirm to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety, within the meaning of Wis. Admin. Code § N 7.03(6)(c).

28. By the conduct described in paragraphs 9-14 above, Respondent engaged in unsafe practice or substandard care by practicing nursing while under the influence of alcohol, illicit drugs, or while impaired by the use of legitimately prescribed pharmacological agents or medications, within the meaning of Wis. Admin. Code § N 7.03(6)(e).

29. By the conduct described in paragraphs 9-14 above, Respondent engaged in improper prescribing, dispensing, or administering medication or drug related offenses by obtaining, possessing or attempting to obtain or possess a drug without lawful authority, within the meaning of Wis. Admin. Code § N 7.03(8)(e).

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to summarily suspend the license of Respondent Jaclyn K. Dionysius, R.N., to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stat. § 227.51(3) and Wis. Admin. Code ch. SPS 6.

2. Proper and sufficient notice of the Petition for Summary Suspension was provided to Respondent as required by Wis. Admin. Code § SPS 6.05.

3. Based on the sworn Petition and Affidavits of Carley Peich Kiesling and Shannon Wagner, there is probable cause to believe that Respondent has engaged in, or is likely to engage in, conduct such that it is imperatively necessary to suspend the license of Respondent Jaclyn K. Dionysius, R.N., immediately to protect the public health, safety or welfare.

ORDER

1. The license of Respondent Jaclyn Dionysius, R.N., to practice as a registered nurse in the state of Wisconsin is summarily suspended until the effective date of a final decision and order issued in the disciplinary proceeding against Respondent, unless otherwise ordered by the Board.

2. A formal complaint alleging that Respondent has committed unprofessional conduct as set forth above shall be filed with the Division of Hearings and Appeals within 10 days of the date of this Order.

3. Respondent is hereby notified of her right, pursuant to Wis. Admin. Code § SPS 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Board of Nursing, 4822 Madison Yards Way, Post Office Box 8366, Madison, Wisconsin 53708-8366.

4. In the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

WISCONSIN BOARD OF NURSING

By:  _____
A Member of the Board

Date 5/14/2021 _____