

## 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 :  
: FINAL DECISION AND ORDER  
: FOR REMEDIAL EDUCATION  
JENNA L. FUNK, L.P.N., :  
LICENSEE. : **ORDER 0007685**

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Division of Legal Services and Compliance Case No. 21 NUR 064

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

Jenna L. Funk, L.P.N.  
Appleton, WI 54911

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. Jenna L. Funk, L.P.N. (Licensee), (Year of Birth 1990) is licensed in the state of Wisconsin as a licensed practical nurse, having license number 320377-31, first issued on March 17, 2016 and current through April 30, 2021.<sup>1</sup> Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54911.

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<sup>1</sup> Licensee applied for renewal of her LPN credential in March 2021, and as such, her LPN license remains active. However, the Board has not yet acted on her renewal application.

2. Licensee is currently licensed as a real estate salesperson (license no. 87355-94), and as a tattooist (license no. 4266-403).

3. On January 14, 2021, in Outagamie County Court Case No. 2019CT000799, Licensee was convicted of one count of OWI (3rd) with an alcohol fine enhancer modifier, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a).

4. Licensee reported her arrest for OWI (3rd) to Department credentialing personnel as part of her application for renewal of her real estate salesperson license. Licensee submitted a Report of Conviction to the Department on February 9, 2021, concerning her conviction of OWI (3<sup>rd</sup>).

5. Licensee's Report of Conviction was untimely as Wis. Admin. Code § N 7.03(1)(h) requires that conviction of a misdemeanor be reported to the Board within 48 hours after entry of judgment of conviction.

6. Licensee's conviction of OWI (3rd) was unrelated to the practice of nursing.

7. On or about March 30, 2021, Licensee applied for renewal of her nursing license. As part of the renewal application, she answered "No" to the following question:

"Since your last renewal or initial license (if this is your first renewal), do you have any pending charges, and/or have you violated any federal or state laws, or any local ordinances (does not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?"

8. Licensee's answer of "No" to the question in paragraph 9 was inaccurate as on January 14, 2021, Licensee had been convicted of one count of OWI (3rd) in Outagamie County Court Case No. 2019CT000799.

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

#### CONCLUSIONS OF LAW

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

#### ORDER

1. The attached Stipulation is accepted.

2. Within ninety (90) days of the date of this Order, Licensee shall at her own expense take and successfully complete the Wisconsin Nurse Practice Act course provided/offered by the National Council of State Boards of Nursing (NCSBN), as well as take and successfully complete two (2) hours of education on the topic of ethics 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 course(s) 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 continuing education requirements that have been or may be instituted by the Board and may not be used in any future attempt to upgrade a credential.
  - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. 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. Requests for course approval 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  
 Department of Safety and Professional Services  
 P.O. Box 7190, Madison, WI 53707-7190  
 Telephone (608) 266-2112; Fax (608) 266-2264  
 DSPSMonitoring@wisconsin.gov

Licensee 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: *Gregory J. Poltowicki*  
 A Member of the Board

11/11/2021  
 Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE LICENSE OF

JENNA L. FUNK, L.P.N.,  
LICENSEE.

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:  
:  
:

STIPULATION

**ORDER 0007685**

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Division of Legal Services and Compliance Case No. 21 NUR 064

Jenna L. Funk, L.P.N. (Licensee), 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.

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, 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.

*Jenna Funk*  
dotloop verified  
10/25/21 1:32 PM CDT  
SG5M-JU9D-JFH4-RDXF

Jenna L. Funk, L.P.N., Licensee  
Appleton, WI 54911  
License No. 320377-31

10/25/2021

Date

*Gretchen Mrozinski*

10/26/2021

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

Date