

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 :
: FINAL DECISION AND ORDER
ADEBAYO K. OGUNKUNLE, R.N., L.P.N., :
RESPONDENT. : **ORDER 00079 16**

Division of Legal Services and Compliance Case No. 21 NUR 532

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

Adebayo K. Ogunkunle, R.N., L.P.N.
Milwaukee, WI 53224-5221

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 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 Adebayo K. Ogunkunle, R.N., L.P.N., (Year of Birth 1961) is licensed in the state of Wisconsin as a registered nurse, having license number 250279-30, first issued on August 27, 2019, and current through February 29, 2024.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53224-5221.

¹ Respondent is also licensed in the state of Wisconsin as a licensed practical nurse, having license number 311128-31, first issued on April 8, 2009, and currently expired as of May 1, 2021. However, due to 2021 Wisconsin Act 10, all health care provider licenses or certificates will not expire and will remain active until thirty days after the end of the declared national emergency.

2. At all times relevant to this proceeding, Respondent was employed as a nurse at an assisted living facility in Milwaukee, Wisconsin (Facility).

3. On August 14, 2021, a 95-year-old female Facility resident (Resident A) asked a CNA to prop her up in bed. When the CNA returned to check on Resident A approximately ten minutes later, the CNA found her unresponsive. The CNA informed Respondent who evaluated Resident A and charted there was no response to verbal or tactile stimuli, no breath sounds, no pulse, and no heart sounds detected.

4. Resident A was a full code, but Respondent did not check her code status, initiate CPR, or call 911.

5. The Facility investigation substantiated neglect by Respondent and his employment was terminated for failing to follow the Facility's advance directives policy, which requires providers to check the code status of a resident who is not breathing and/or does not have a pulse, and if the resident is full code or code status is unknown, then initiate CPR and call 911 unless the resident is in decomposition.

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

CONCLUSIONS OF LAW

1. The Board 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 demonstrated a lack of knowledge, skill, or ability to discharge professional obligations within the scope of nursing practice, within the meaning of Wis. Admin. Code § N 7.03(6)(b).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 250279-30), and Respondent's license to practice as a licensed practical nurse in the state of Wisconsin (license number 311128-31) and right to renew such license, are LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete three hours of education on the topic of advanced directives offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. 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. 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.
 - c. 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.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed the ordered education.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$582.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order, shall be submitted to:

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

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

6. In the event Respondent violates any term of this Order, Respondent's licenses, or Respondent's right to renew his licenses, 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.
7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By: 

 A Member of the Board of Nursing

4/14/2022

 Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ADEBAYO K. OGUNKUNLE, R.N., L.P.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 00079 16

Division of Legal Services and Compliance Case No. 21 NUR 532

Respondent Adebayo K. Ogunkunle, R.N., L.P.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. Respondent is represented by Attorney Kristen N. Nelson.

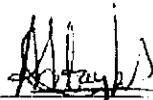
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives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

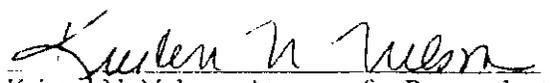
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Adebayo K. Ogunkunle, R.N., L.P.N., Respondent
Milwaukee, WI 53224-5221
License Nos. 250279-30 and 311128-31

03/29/2022

Date



Kristen N. Nelson, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown, LLP
330 East Kilbourn Ave., Suite 1170
Milwaukee, WI 53202

3/30/2022

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

3/30/2022

Date