

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

ARIEL M. PIERRINGER, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008158

Division of Legal Services and Compliance Case No. 22 NUR 264

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

Ariel M. Pierringer, R.N.
West Bend, WI 53095

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 Ariel M. Pierringer, R.N., (Year of Birth 1995) is licensed in the state of Wisconsin as a registered nurse, having license number 243375-30, first issued on August 2, 2018, and current through February 29, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in West Bend, Wisconsin 53095.

2. At all times relevant to this matter, Respondent was employed as a registered nurse at a hospital in West Bend, Wisconsin (Facility).

3. In March 2022, the Facility's Drug Diversion Team conducted an audit of Respondent's controlled substance dispensing practices between November 1, 2021 and March 15, 2022. Based on noted practice differences, the Facility compiled data on specific patients from February 1 to March 23, 2022 that indicated the following:

- a) There were instances where Respondent administered controlled substances to patients earlier than ordered. For example:
 - i. Patient One's order was for oxycodone 5mg Q6HR PRN, but Respondent administered doses at 0800, 1321, and 1847 on March 22, 2022; the last two doses were administered 39 and 34 minutes too early respectively.
 - ii. Patient Three's order was for oxycodone 5mg Q6HR PRN, but Respondent administered doses at 0904 and 1425 on March 18, 2022; the second dose was administered 39 minutes too early.
 - iii. Patient Five's order was for oxycodone 5mg Q4HR PRN, but Respondent administered doses at 0801, 1152, and 1506 on March 14, 2022; the last dose was administered 46 minutes too early.
 - iv. Patient Six's order was for oxycodone 5mg Q4HR PRN, but Respondent administered doses at 0934, 1300, and 1846 on March 11, 2022; the second dose was administered 34 minutes too early.
 - v. Patient Nine's order was for oxycodone 5mg Q4HR PRN, but Respondent administered doses at 0905 and 1216; the second dose was administered 49 minutes too early.
- b) On March 5, 2022, Respondent removed one hydrocodone-acetaminophen 5-325mg tablet from Pyxis at 0829 for Patient Eight. The order was discontinued in the electronic medication administration record four minutes later. A new order was placed for oxycodone 5mg Q4HR PRN. At 0845, Respondent removed one oxycodone 5mg tablet and documented administration to Patient Eight at 0846, but failed to document administration, waste, or return of the hydrocodone-acetaminophen tablet.
- c) Respondent administered two controlled substances via different routes, one parenteral and one enteral, to Patient Thirteen at the same time. On February 22, 2022, Patient Thirteen had orders for hydromorphone 0.1mg IV Q1HR PRN for severe pain and oxycodone 5mg oral Q4HR PRN for moderate pain. Respondent administered both hydromorphone and oxycodone at 1846.

4. Respondent maintains she was trained that pain medications have a "window of time" when they can be administered, usually between 30-45 minutes before or after their due time. Respondent says she relied on Pyxis to alert her after she scanned the medication if the medication was too early to administer or not.

5. On March 31, 2022, the Facility asked Respondent to submit to a drug screen and she declined and chose to resign her employment. Respondent denies diverting any controlled substances for her own use or for anyone else.

6. On May 26, 2022, Respondent attended and passed a substance abuse risk assessment with a licensed psychologist who found Respondent did not meet DSM-5 or ICD10 criteria for a substance abuse problem. Respondent also underwent an unannounced drug screen that tested for 10 illicit and prescriptions substances, the results of which were negative.

7. Respondent neither admits or denies these Findings of Fact and submits the following mitigating factors: The lack of prior disciplinary action by the Board and Respondent's cooperation with the investigation. 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 violated Wis. Admin. Code § N 7.03(6)(c) by departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary risk or danger to a patient's life, health, or safety.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(c) by administering any drug other than in the course of legitimate practice or as otherwise prohibited by law.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § N 7.03(8)(d) by erring in prescribing, dispensing, or administering medication.

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. Respondent is REPRIMANDED.

3. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 243375-30), and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete three (3) hours of education on the topic of the appropriate dispensing and administration of controlled substances.

- b. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Board, or its designee, prior to commencement of the courses.
- 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. 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.
- e. 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.
- f. This limitation shall be removed from Respondent's license after satisfying the Board, or its designee, that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$739.00.

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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 243375-30), 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.

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

WISCONSIN BOARD OF NURSING

By: Robert Weinman RW-LHP
A Member of the Board

9/8/2022
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ARIEL M. PIERRINGER, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008158

Division of Legal Services and Compliance Case No. 22 NUR 264

Respondent Ariel M. Pierringer, 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. Respondent is represented by Attorney Susan Wagener.

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.

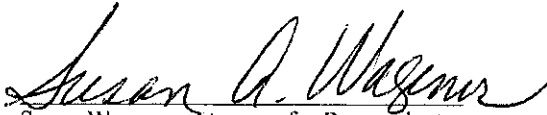
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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




Ariel M. Pierringer, R.N., Respondent
West Bend, WI 53095
License No. 243375-30

8/25/22
Date



Susan Wagener, Attorney for Respondent
Hepler Broom LLC
30 N. LaSalle, Suite 2900
Chicago, IL 60602

8/25/22
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

8/25/2022
Date