

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**Before the  
State Of Wisconsin  
Board of Nursing**

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In the Matter of the Disciplinary Proceedings  
Against Sonya R. Murtaugh, L.P.N., Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0008206**

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**Division of Legal Services and Compliance Case Nos. 19 NUR 409 and 21 NUR 067**

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 13th day of October, 2022.

*Robert Weinman TW-CCHP*

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Member  
Board of Nursing



Before The  
State of Wisconsin  
DIVISION OF HEARINGS AND APPEALS

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In the Matter of Disciplinary Proceedings  
Against Sonya R. Murtaugh, L.P.N., Respondent.

DHA Case No. SPS-22-0018  
DLSC Case Nos. 19 NUR 409  
and 21 NUR 067

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Sonya R. Murtaugh, L.P.N.  
1228 Kern Avenue  
Rice Lake, WI 54868

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53707-8366

Department of Safety and Professional Services,  
Division of Legal Services and Compliance, by:

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

PROCEDURAL HISTORY

On March 22, 2022, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), served the Notice of Hearing and the Complaint in this matter on Respondent Sonya R. Murtaugh, L.P.N., by mailing copies to her address on file with the Department via both certified and regular mail, pursuant to Wis. Stat. § 440.11(2) and Wis. Admin. Code § SPS 2.08. The Respondent failed to file an Answer to the Complaint as required by Wis Admin. Code § SPS 2.09(4).

Following expiration of the 20-day period to file an Answer, the undersigned Administrative Law Judge (ALJ) scheduled a telephone prehearing conference for April 26, 2022. The Respondent and counsel for the Division both participated in the prehearing conference. During the telephonic prehearing conference, Respondent requested additional time to file her Answer. The ALJ granted Respondent's request, and Respondent was given until May

10, 2022, to file her written Answer to the Division's Complaint. However, Respondent did not submit a written Answer to the Division's Complaint by May 10, 2022, did not request additional time to file a written Answer, and did not provide good cause for her failure to file the Answer.

Based upon the Respondent's failure to file an Answer, the Division moved for default judgment against the Respondent pursuant to Wis. Admin. Code § SPS 2.14. An adjourned prehearing conference was held on May 17, 2022. Both the Respondent and the Division participated in the adjourned hearing. Respondent was given until May 31, 2022, to file a response to the Division's Motion for Default Judgment. The Respondent failed to file a response to the Division's motion by the May 31, 2022 deadline. In response to an email sent by the Division on June 1, 2022, the Respondent asserted that she had sent a response, which neither the Division nor the ALJ had received. Follow up emails from the Respondent not only failed to contest the allegations set forth in the Division's Complaint but also failed to respond to the Division's motion. The Division filed a reply brief in support of its motion on June 7, 2022.

On June 29, 2022, the ALJ issued a Notice of Default and Order against the Respondent and ordered the Division to file a recommended Proposed Decision and Order by July 29, 2022, which the Division timely submitted.

### FINDINGS OF FACT

#### Facts Related to the Alleged Violations

1. Sonya R. Murtaugh, L.P.N. (Respondent) (DOB: 09/23/1964) is licensed in the state of Wisconsin to practice nursing, with multistate privileges pursuant to the Nurse Licensure Compact (Compact), having license number 304444-31, first issued on June 19, 2003. Respondent's license was set to expire on April 30, 2021, and it does not appear she has attempted to renew. However, due to 2021 Wisconsin Act 10, all health care provider credentials will not expire until thirty days after the end of the declared national emergency. Therefore, Respondent's license remains active despite the fact she has not completed any of the renewal requirements as of the date of this Complaint. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until April 30, 2026. (Complaint, ¶ 1)
2. The Respondent's last known address is 1228 Kern Avenue, Rice Lake, Wisconsin 54868.

#### 19 NUR 409

3. At all times relevant to this proceeding, Respondent was employed as a licensed practical nurse at a Facility located in St. Croix Falls, Wisconsin (Facility). (Complaint, ¶ 3)
4. On June 25, 2019, the Facility discovered a discrepancy in the narcotic book log and found a prednisone tablet in an oxycodone bubble packet. The Facility commenced an investigation regarding Respondent's administration of oxycodone. A review of Respondent's medication removals demonstrated that on June 12, 2019, she signed the

oxycodone tablet out of the Medication Administration Record (MAR) but erred it out in the narcotic book log and entered it as not administered to patient. (Complaint, ¶ 4)

5. Respondent advised the Facility that she “punched the wrong pill out of the bubble, realized it, stuck a pill back in thinking it was the correct pill.” (Complaint, ¶ 5)
6. Respondent was terminated from the Facility on June 26, 2019, for the narcotic book log discrepancy and failure to notify of the medication error. (Complaint, ¶ 6)

21 NUR 067

7. On February 9, 2021, the Department received a complaint that on June 11, 2020, Respondent received her 5<sup>th</sup> operating while intoxicated (OWI) conviction in Polk County, Wisconsin. The Division of Legal Services and Compliance (Division) Case No. 21 NUR 067 was opened to investigate the allegations. (Complaint, ¶ 7)
8. Respondent has the following convictions:
  - a. On or about May 21, 2008, Respondent was convicted of OWI (2<sup>nd</sup> offense) in Polk County Case Number 2006CT000101, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a). Respondent was ordered to complete an alcohol and other drug abuse assessment, fifty hours of community service, five (5) days in jail, payment of a \$1,020 fine, and her Wisconsin driver’s license was revoked for twelve months.
  - b. On or about February 17, 2016, Respondent was convicted of OWI (4<sup>th</sup> offense within 5 years) in Eau Claire County Case Number 2015CF000867, a class H Felony, in violation of Wis. Stat. § 346.63(1)(a). Respondent was ordered to complete an alcohol and other drug abuse assessment, maintain an ignition interlock device on her vehicle for two (2) years, and her Wisconsin driver’s license was revoked for three (3) years.
  - c. On or about June 17, 2020, Respondent was convicted of OWI (5<sup>th</sup> offense) in Polk County Case Number 2019CF00031, a Class G Felony, in violation of Wis. Stat. § 346.63(1)(a) for an offense that occurred on January 23, 2019. Respondent was ordered to complete an alcohol and other drug abuse assessment, maintain an ignition interlock device on her vehicle for one (1) year, and her Wisconsin driver’s license was revoked for lifetime, but she may apply for reinstatement after ten years.
  - d. On or about June 24, 2021, Respondent was convicted of operating a vehicle with a revoked driver’s license in Washburn County Case Number 2020CT000028, a misdemeanor, in violation of Wis. Stat. § 343.44(1)(b). (Complaint, ¶ 8)
9. Respondent did not report the above convictions to the Board. (Complaint, ¶ 9)
10. The Division investigates and prosecutes cases on behalf of the Board. (Complaint, ¶ 10)

11. On February 10 and February 18, 2021, the Division emailed Respondent at her email address of record a request to provide a written response to the complaint in 21 NUR 067. Respondent did not respond. (Complaint, ¶ 11)
12. On March 1, 2021, the Division mailed to Respondent at her mailing address of record a letter requesting a written response to the complaint in 21 NUR 067. Respondent did not respond. (Complaint, ¶ 12)
13. On February 8, 2022, the Division emailed Respondent at her email address of record a request to provide a written response to the complaints in 19 NUR 409 and 21 NUR 067. Respondent did not respond. (Complaint, ¶ 13)
14. On February 25, 2022, the Division telephoned Respondent at her telephone numbers of record to request information regarding the complaints in 19 NUR 409 and 21 NUR 067. One number was not in service, and the other number did not have voicemail set up. On that same date, the Division sent a fourth email to Respondent's email address of record requesting a response to the complaints made against her. Respondent did not respond. (Complaint, ¶ 14)
15. On March 15, 2021, the Division mailed a certified letter to an address found in CCAP purporting to belong to Respondent. On March 17, 2022, Respondent telephoned the Division and agreed to appear at a telephonic meeting on March 21, 2022, at 10:30 a.m. On March 21, 2022, the Division telephoned Respondent at the number provided by Respondent. Respondent did not answer. (Complaint, ¶ 15)

Facts Related to Default

16. On March 22, 2022, the Division served the Notice of Hearing and Complaint on Respondent at her address of record with the Department by both certified and regular mail. (Affidavit of Service by Renee Hammond, ¶¶ 1 and 2)
17. Respondent failed to file an Answer to the Complaint.
18. The Respondent participated in a telephonic prehearing conference held on April 26, 2022, with the ALJ and counsel for the Division. The ALJ granted the Respondent's request for additional time to submit an Answer to the Division's Complaint by May 10, 2022.
19. The Respondent failed to file a written Answer to the Complaint by the extended deadline of May 10, 2022, did not request additional time to file an Answer, and did not provide any good cause for her failure to file a written Answer to the Division's Complaint.
20. The Division filed a Motion for Default Judgment on May 16, 2022.
21. At an adjourned telephone prehearing conference conducted on May 17, 2022, the Respondent failed to provide good cause as to why she did not file an Answer to the Division's Complaint. Further, the Respondent did not contest the allegations against her.

The Respondent was given until May 31, 2022, to file a written response to the Division's Motion for Default Judgment.

22. Neither the Division of Hearings and Appeals nor the Division received a written response from the Respondent to the Division's motion.
23. On June 1, 2022, Respondent sent electronic communication that was not responsive to the Division's motion. Moreover, Respondent did not contest the factual allegations and legal conclusions set forth in the Division's Complaint or motion.
24. On June 7, 2022, the Division filed its reply in support of its Motion for Default Judgment.
25. On June 29, 2022, the ALJ issued a Notice of Default and Order against the Respondent and ordered the Division to file and serve a recommended proposed decision and order no later than July 29, 2022.
26. The Division timely filed its recommended proposed decision and order.

## DISCUSSION

### Jurisdictional Authority

The Wisconsin Board of Nursing (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 441.07(1c) and (1g). The Department "may promulgate rules defining uniform procedures to be used by the department . . . and all examining boards and affiliated credentialing boards attached to the department or an examining board, for . . . conducting [disciplinary] hearings." Wis. Stat. § 440.03(1). These rules are codified in Wis. Admin. Code ch. SPS 2.

The Division of Hearings and Appeals has authority to issue the proposed decision and order pursuant to Wis. Stat. § 227.46 and Wis. Admin. Code § SPS 2.10(2).

Although Respondent's license was set to expire on April 30, 2021, the Board retains authority and jurisdiction in this matter because Respondent has a right to apply to renew her license within five years of expiration. Wis. Stat. § 440.08(3). The Board also retains jurisdiction since Respondent's license remains active due to 2021 Wisconsin Act 10.

### Default

An Answer to a Complaint must be filed within 20 days from the date of service of the Complaint. Wis. Admin. Code § SPS 2.09(4). Wisconsin Admin. Code § SPS 2.14 provides that when a respondent is in default, "the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence." *See also* Wis. Admin. Code § HA 1.07(3)(b) ("If a respondent fails to appear, the administrative law judge may . . . take the allegations in an appeal as true as may be appropriate. . . .")

The Notice of Hearing and the Complaint in this matter were served on Respondent by the Division, on March 22, 2022, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. Thus, Respondent's Answer was due on April 11, 2022. Respondent failed to file an Answer to the Division's Complaint. Following expiration of the 20-day time period to file an Answer, the ALJ conducted a telephone prehearing conference on Tuesday, April 26, 2022. Both Respondent and counsel for the Division participated in the telephonic prehearing. At the prehearing, Respondent requested additional time to submit an Answer. Respondent's request was granted, and she was given until May 10, 2022, to submit her written answer to the Division's Complaint. However, Respondent failed to file an Answer to the Complaint by the extended deadline, she did not request additional time to file an Answer, and she did not provide any good cause for her failure to file an Answer.

Based upon Respondent's failure to file an Answer, the Division moved for default judgment against Respondent. An adjourned prehearing conference was conducted on May 17, 2022. Both Respondent and counsel for the Division again participated in the adjourned prehearing. Respondent did not provide good cause for why she had not filed an Answer to the Complaint. More importantly, Respondent did not contest the allegations against her. Respondent was given until May 31, 2022, to file a response to the Division's Motion for Default Judgment. When no written response to the Division's motion was received from Respondent by May 31, 2022, the Division followed up via email to inquire whether a response had been sent. On June 1, 2022, Respondent sent an email that was not responsive to the Division's motion. Moreover, Respondent did not contest the factual allegations and legal conclusions set forth in the Division's Complaint or motion. Neither the Division of Hearings and Appeals nor the Division received a written response from Respondent to the Division's motion. On June 7, 2022, the Division filed its reply in support of its Motion for Default Judgment.

In light of Respondent's failure to file an Answer to the Complaint, her failure to contest the allegations raised against her, and her failure to file a response to the Division's Motion for Default Judgment, the ALJ found Respondent to be in default. See Wis. Admin. Code § SPS 2.14, and Wis. Admin. Code. § HA 1.07(3)(c).

### Violations

The Board has the authority to impose discipline against Respondent pursuant to Wis. Stat. § 441.07. Following an investigation, if the Board determines that a nurse has committed "[o]ne or more violations of this subchapter," or has committed "[m]isconduct or unprofessional conduct," it may "revoke, limit, suspend or deny a renewal of a license of a registered nurse . . . ." Wis. Stat. § 441.07(1g)(b) and (d).

Wisconsin Stat. §§ 441.07(1g)(b), (c), and (d), 440.20(5), and Wis. Admin. Code § 7.03 provide the Board with grounds for taking disciplinary action in the present matter based upon the following violations:

- a. Error in prescribing, dispensing, or administering medication. Wis. Admin. Code § N 7.03(8)(d).



- b. Failing to notify the Board of a felony or misdemeanor in writing within 48 hours after the entry of the judgment of conviction, including the date, place, and nature of the conviction or finding. Wis. Admin. Code § N 7.03(1)(h).
- c. Failing to report to the Board or institutional supervisory personnel any violation of the rules of this chapter by a licensee. Wis. Admin. Code § N 7.03(1)(i).
- d. Being unable to practice safely by reason of alcohol or other substance. Wis. Admin. Code § N 7.03(6)(f).
- e. 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. Wis. Admin. Code § N 7.03(1)(c).

On June 25, 2019, Respondent signed an oxycodone tablet out in the Medication Administration Record, errored it out in the narcotic book log, and entered it as not administered to the patient. She then placed a prednisone tablet in the oxycodone bubble packet instead of the oxycodone tablet she had earlier removed and did not administer. Such actions qualify as an error in prescribing, dispensing, or administering medication, which constitutes grounds for disciplinary action pursuant to Wis. Admin. Code § N 7.03(8)(d).

Respondent was convicted of OWI 2<sup>nd</sup> (misdemeanor) in 2008, OWI 4<sup>th</sup> (felony) in 2016, OWI 5<sup>th</sup> (felony) in 2020, and operating a vehicle with a revoked driver's license (misdemeanor) in 2021. She was ordered to complete alcohol and other drug abuse assessments (AODA), community service, maintain an ignition interlock device on her vehicle, and her driver's license was revoked for her lifetime. Respondent did not report the convictions within 48 hours of entry of judgment of conviction to the Board nor did she report the convictions to the Board upon renewal of her license. Respondent has a long history of alcohol abuse issues which have not resolved to date. Such circumstances provide grounds for disciplinary action pursuant to Wis. Admin. Code §§ N 7.03(1)(h), 7.03(1)(i), 7.03(6)(f), and Wis. Stat. § 441.07(1g)(c).

Finally, Respondent failed to cooperate in a timely manner with the Board's investigation and the hearing process on multiple occasions. Such conduct provides grounds for disciplinary action pursuant to Wis. Admin. Code § N 7.03(1)(c).

By engaging in conduct qualifying as grounds for taking disciplinary action on her license, along with Respondent's failure to make any argument to the contrary, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), (c), and (d), and Wis. Admin. Code § N 7.03.

### Discipline

The Division recommends that Respondent's license to practice as a registered nurse in Wisconsin, Respondent's right to apply to renew her license, and any privilege she may have to practice in Wisconsin pursuant to a multistate license, be revoked.

The three purposes of discipline in a professional misconduct case are: (1) to promote the rehabilitation of the credential holder; (2) to protect the public from other instances of misconduct; and (3) to deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209, 237 N.W.2d 689 (1976).

Although rehabilitation is one of the purposes of discipline, there has been no evidence of Respondent's attempt to commit to rehabilitation. Most notably, Respondent has incurred multiple misdemeanor and felony convictions for operating while intoxicated. Several of the convictions required Respondent to obtain an AODA assessment and to follow the treatment recommendations, as well as required Respondent to maintain an ignition interlock device on her vehicle. The final OWI felony revoked Respondent's driver's license for her lifetime. Yet, Respondent continued to violate the law and operate a motor vehicle which led to her most recent conviction of operating while revoked. Such circumstances are demonstrative of Respondent's disregard of the law and intentions to continue doing what she wants in spite of the law. Similarly, Respondent failed to report any of her criminal convictions to the Board and then repeatedly failed to recognize the authority of the Board by choosing to ignore requests for information made on behalf of the Board. The Board has a duty to protect the public by investigating complaints. The Board was exercising this duty when requesting that Respondent respond to allegations of erroneous handling and administration of oxycodone, and her related termination from employment in 2019 for narcotic log discrepancies. Respondent's habit of ignoring laws and authority weigh against her commitment to be rehabilitated. Respondent's rehabilitation can only be determined if the Respondent cooperates with the Board.<sup>1</sup>

"Protection of the public is the purpose of requiring a license." *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, Wisconsin is assuring the public that the licensed individual is competent in his or her profession. *Stringez v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the state cannot assure the public of the licensee's competence to practice the profession, then revocation is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984). Based upon her repeated OWI convictions, the Respondent has demonstrated that she continues to have significant issues related to alcohol which led to multiple felony convictions. Further, Respondent was terminated from her employment due to mishandling of narcotics. As evidenced by her failure to cooperate with the Board, the Board cannot assure the public that Respondent is competent to practice. Revocation of her license and right to apply to renew her license is thus necessary to protect the public.

The recommended discipline will also serve to deter other credential holders from engaging in similar conduct. A licensed nurse in Wisconsin should know that if they incur multiple misdemeanors and felonies related to operating under the influence, fail to properly handle and administer narcotics while working, and then fail to respond to the Board when the Board is investigating the aforementioned, that they will face severe consequences. The Board publishes

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<sup>1</sup> Should Respondent wish to return to nursing in Wisconsin following the revocation of her right to renew her license, Respondent may apply for reinstatement of her license via Wis. Admin. Code § N 2.41(3). The application for reinstatement will allow the Board to require evidence of rehabilitation or change in circumstances warranting reinstatement. See Wis. Admin. Code § N 2.41(3).

its orders online which serves to provide notice to other credential holders what will happen should such conduct occur. A revocation in this matter, once issued by the Board, and then published online, will serve to deter other credential holder from engaging in similar conduct.

Finally, the recommended discipline is consistent with Board precedent. *See In the Matter of Disciplinary Proceedings Against Paula J. Thomas, R.N.*, Order Number 0007515 (August 12, 2021) (Board revoked nurse's license due to nurse having multiple convictions including obtaining a controlled substance by fraud which she failed to disclose, and failed to cooperate with the Division's investigation).<sup>2</sup> *See In the Matter of Disciplinary Proceedings Against Rochelle A. Current, R.N.*, Board Order No. 06238 (June 13, 2019) (Board revoked nurse's right to renew her license pursuant to the Nurse Licensure Compact for misdemeanor convictions, failure to report convictions to the Board, and discipline in Arkansas);<sup>3</sup> *In the Matter of Disciplinary Proceedings Against Stephanie Y. Gaines, L.P.N.*, Board Order No. 04686 (April 29, 2016) (Board revoked nurse's right to renew her license and privilege to practice nursing pursuant to the Nurse Licensure Compact for failure to cooperate with Board's investigation after complaint that nurse took financial advantage of a patient and was convicted of forgery-uttering, unauthorized use of personal identifying information to obtain money, possession of narcotics and bail jumping);<sup>4</sup> *In the Matter of Disciplinary Proceedings Against Kelly L. Kowalkowski, R.N.*, Board Order 04613 (March 18, 2016) (Board revoked nurse's right to renew her license and privilege to practice nursing pursuant to the Nurse Licensure Compact for failure to cooperate with an investigation by the Board after being charged with several drug-related offenses).<sup>5</sup>

Based upon the facts of this case, the factors set forth in *Aldrich*, and prior Board decisions, a revocation of the Respondent's license, and the right to renew such license subject to the terms and conditions of the Order below, is warranted.

### Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. *See Wis. Stat. § 440.22(2)*. In exercising such discretion, the Board must look at aggravating and mitigating facts of the case. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, Boards have considered the following factors when determining if all or part of the costs should be assessed against the Respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the Respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a program revenue agency, funded by other licensees; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz* (LS0802183 CHI) (Aug. 14, 2008). It is within the Board's discretion as to which of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

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<sup>2</sup> *In the Matter of the Disciplinary Proceedings Against Paula J. Thomas, R.N.*, Order Number 0007515

<sup>3</sup> *In the Matter of Disciplinary Proceedings Against Rochelle A. Current, R.N.*, Board Order No. 0006238

<sup>4</sup> *In the Matter of Disciplinary Proceedings Against Stephanie Y. Gaines, L.P.N.*, Board Order No. 0004686

<sup>5</sup> *In the Matter of Disciplinary Proceedings Against Kelly L. Kowalkowski, R.N.* Board Order 0004613

It is appropriate for Respondent to pay the full costs of the investigation and prosecution of these proceedings. The Division proved all counts charged. Respondent's conduct in incurring multiple misdemeanor and felony convictions related to alcohol, failing to alert the Board of the convictions, mishandling narcotics, and repeatedly ignoring the authority of the Board, is extreme, serious misconduct. The Division is seeking a revocation which is the most serious of disciplinary outcomes. While Respondent does not have prior discipline, this is only because she hid from the Board her criminal history which if timely disclosed would have led to discipline at that time. Finally, the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. It would be unfair to impose the costs of pursuing discipline in this proceeding on those licensees who have not engaged in misconduct.

Therefore, it is appropriate for Respondent to pay the full costs of the investigation and prosecution in this matter, as determined pursuant to Wis. Admin. Code § SPS 2.18.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 441.07.
2. Respondent is in default by failing to answer the complaint pursuant to Wis. Admin. Code § HA 1.07(3)(c) and Wis. Admin. Code § SPS 2.14.
3. Respondent engaged in conduct that constitutes grounds for disciplinary action under Wis. Admin. Code § N 7.03(1)(h) and (i), by failing to notify the Board of her felony and misdemeanor convictions and violations of the rules of the Nursing code.
4. Respondent engaged in conduct that constitutes grounds for disciplinary action under Wis. Admin. Code § N 7.03(1)(c), by failing to cooperate in a timely manner with the Board's investigation.
5. Respondent engaged in conduct that constitutes grounds for disciplinary action under Wis. Admin. Code § N 7.03(8)(d), by committing an error in prescribing, dispensing, or administering medication.
6. Respondent engaged in conduct that constitutes grounds for disciplinary action under Wis. Admin. Code § N 7.03(6)(f), by being unable to practice safely due to reason of alcohol or other substance.
7. Respondent engaged in conduct that constitutes grounds for disciplinary action under Wis. Stat. § 441.07(1g)(c), by being unfit or incompetent by reason of negligence, abuse of alcohol or other drugs or mental incompetency.
8. 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.
9. Revocation of the Respondent's nursing license is reasonable and appropriate.

10. It is appropriate for Respondent to pay the full costs of the investigation and prosecution in this matter pursuant to Wis. Admin. Code § SPS 2.18.
11. The Division of Hearings and Appeals has authority to issue this proposed decision pursuant to Wis. Stat. § 227.46 and Wis. Admin. Code § SPS 2.10.

ORDER

For the reasons set forth above, IT IS ORDERED that the license of Respondent Sonya R. Murtaugh, L.P.N., to practice as a licensed practical nurse in the state of Wisconsin (license number 304444-31), her right to apply to renew such license, and her privilege to practice in Wisconsin under the Nurse Licensure Compact is REVOKED.

IT IS FURTHER ORDERED that Respondent pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to 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](mailto:DSPSMonitoring@wisconsin.gov)

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

IT IS FURTHER ORDERED that the terms of the Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin, on September 13, 2022.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
4822 Madison Yards Way, 5<sup>th</sup> Floor North  
Madison, Wisconsin 53705-5400  
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By:   
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Kristin P. Fredrick  
Administrative Law Judge