

## 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 DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DAWN M. DRUM, R.N., :  
RESPONDENT. : ORDER NO. 0008205

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Division of Legal Services and Compliance (DLSC) Case No. 21 NUR 751

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

Dawn M. Drum, R.N.  
Janesville, WI 53546

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. Dawn M. Drum, R.N. (Respondent), (Year of Birth 1968) is licensed in the state of Wisconsin as a registered nurse, having license number 126845-30, first issued on July 21, 1997 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 Janesville, Wisconsin 53546.

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

3. On November 8, 2021, Facility management confronted Respondent with credible evidence of Respondent's fentanyl diversion, including an excessive number of overrides in the Pyxis medication dispensing system and the discovery of two vials of fentanyl with signs of tampering. Respondent refused to submit to a reasonable suspicion drug screen and resigned from her position at the Facility.

4. On October 13, 2022, the Board issued an Interim Order (Order No. 00008205) that suspended Respondent's license to practice nursing in the state of Wisconsin pending a final disposition of the instant matter.

5. On May 8, 2023, in the United States District Court, Eastern District of Wisconsin, Case No. 23-CR-40, subsequent to a plea agreement, Respondent pled guilty to one count of tampering with a consumer product that affected interstate commerce, specifically injectable fentanyl, a felony, in violation of 18 USC § 1365(a)(4).

6. Per the plea agreement, Respondent acknowledged that the following facts were true, and agreed that she is guilty of the offense described:

- a. Respondent is a licensed registered nurse in the state of Wisconsin and was employed at the Facility.
- b. On or around November 7 and 8, 2021, two tampered vials of fentanyl were discovered in the Facility's Emergency Room Pyxis machine. A third tampered vial of fentanyl was discovered in the CT Department Pyxis machine during an audit.
- c. The three fentanyl vials were later retrieved by the U.S. Food and Drug Administration's Office of Criminal Investigations and sent for analysis. All three vials had multiple punctures in the vial stopper/bottom surface and had an adhesive like material on the crimp and top of the vial stopper surface. The analysis revealed the concentration of fentanyl was equivalent to 2.2% of the declared amount in one vial, 5.6% of the amount in the second vial, and there was not enough liquid in the third vial to be tested.
- d. Respondent had access to the Pyxis machines and vials of fentanyl. Records showed Respondent had an excessive pattern of fentanyl overrides when compared to other employees. Additionally, from August to November 2021, a large amount of unaccounted fentanyl attributed to Respondent. Respondent also recorded wasting a large amount of fentanyl doses in their entirety during the same time period.
- e. When confronted by Facility management and asked to take a drug test, Respondent refused and instead resigned from her position at the hospital.

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

### CONCLUSION OF LAW

1. The Board has jurisdiction to act in these matters 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 was convicted of a crime substantially related to the practice of nursing, within the meaning of Wis. Admin. Code § N 7.03(2).
3. By the conduct described in the Findings of Fact, Respondent departed from or failed to conform to the minimal standard of acceptable nursing practice that may have created unnecessary risk or danger to a patient's life, health, or safety, within the meaning of Wis. Admin. Code § N 7.03(6)(c).
4. By the conduct described in the Findings of Fact, Respondent obtained, possessed, or attempted to obtain or possess a drug without lawful authority, within the meaning of Wis. Admin. Code § N 7.03(8)(e).
5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code § N 7.03.

### ORDER

1. The attached Stipulation is accepted.
2. The license of Dawn Drum, R.N., to practice as a registered nurse in the state of Wisconsin (license no. 126845-30) and her right to renew such license are hereby REVOKED.
3. Respondent may not petition for reinstatement of her registered nursing license pursuant to Wis. Stat. § 441.07(2), earlier than one (1) year from the date of revocation.
4. In the event Respondent petitions the Board for reinstatement as a registered nurse, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.
5. In the event Respondent petitions the Department for reinstatement of her license to practice as a registered nurse in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,323.00 before any petition or application for a credential will be considered by the applicable board or Department.
6. This Order serves as a final adjudication in this matter and supersedes any and all terms of the Interim Order entered on October 13, 2022.
7. 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>.

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

WISCONSIN BOARD OF NURSING

By:   
A Member of the Board

12/14/23  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
DAWN M. DRUM, R.N.,	:	
RESPONDENT.	:	ORDER NO. 0008205

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Division of Legal Services and Compliance Case No. 21 NUR 751

Dawn M. Drum, R.N. (Respondent) 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 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

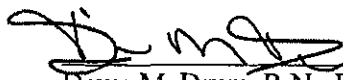
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.

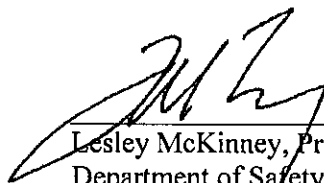
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Dawn M. Drum, R.N., Respondent  
Janesville, WI 53546  
License No. 126845-30

9.1.22  
Date

  
\_\_\_\_\_  
Erika Bierma, Attorney for Respondent  
Axley Brynson, LLP  
2 E. Mifflin St., Suite 200  
Madison, WI 53703

9/2/23  
Date

  
\_\_\_\_\_  
Lesley McKinney, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

11/17/2023  
Date