

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

CHEPCHUMBA S. EMBWAGA, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER0008397

Division of Legal Services and Compliance Case No. 22 NUR 705

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

Chepchumba S. Embwaga, R.N.
Brooklyn Park, MN 55443

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 Chepchumba S. Embwaga, R.N., (Year of Birth 1983) is licensed in the state of Wisconsin as a registered nurse, having license number 253459-30, first issued on April 16, 2020, and current through February 28, 2022.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brooklyn Park, Minnesota 55443.

¹ Due to the Governor's 2020 Emergency Order #2, signed on October 1, 2020, health care provider credentials will not expire for the duration of the federally declared public health emergency. Therefore, Respondent's registered nurse license remains active despite not having completed the renewal requirements as of the date of this Order. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to apply to renew her license through February 28, 2027.

2. Respondent is also licensed in the state of Minnesota as a registered nurse (license no. RN 2397313) and as a licensed practical nurse (license no. LPN 748032).

3. On October 10, 2022, the Minnesota Board of Nursing (MN Board) issued a Stipulation and Consent Order (MN Order) that suspended Respondent's Minnesota nursing licenses indefinitely. The basis for the MN Order were as follows:

- a. Between November 2018 and January 2019, Respondent was employed by a health care staffing agency and on assignment at two health care facilities in Minnesota. Respondent was alleged to have diverted narcotics from a facility for her own personal use.
- b. On October 29, 2020, the MN Board received a report from the Health Professionals Service Program (HPSP) regarding an incident when Respondent was determined to be impaired at the beginning of a shift and attempted to harm herself. She disclosed her history of treatment for opioid use disorder and the escalation of her illicit use of oxycodone with a recent charge for driving under the influence.
- c. On November 1, 2020, the MN Board received a report stating that while Respondent was on assignment at a facility, she was found semiconscious with injectable medications in her possession.
- d. On January 8, 2021, Respondent signed a participation agreement with the HPSP for monitoring of her substance abuse and psychiatric disorders. Respondent agreed to refrain from nursing practice and comply with monitoring and treatment requirements.
- e. On May 1, 2021, the MN Board received Respondent's license application for reregistration of her nursing license. On the application, she disclosed her participation in treatment, sobriety, and participation in HPSP. Respondent did not complete the application requirements.
- f. In July 2021, Respondent entered a partial hospitalization program for management of her psychiatric disorders and medication changes.
- g. From November 2021 through March 2022, Respondent had several relapses with opioid use.
- h. On May 4, 2022, Respondent was discharged from HPSP for noncompliance.

4. Respondent desires to surrender her Wisconsin license in lieu of proceeding with this investigation.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusion 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 violated Wis. Admin. Code § N 7.03(1)(b) by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d), and Wis. Admin. Code ch. N 7.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent of her license to practice as a registered nurse in the state of Wisconsin (license no. 253459-30), as well as her right to renew such license, is hereby accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a registered nurse in the state of Wisconsin, 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.

4. In the event Respondent petitions the Board 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 \$362.00 before any petition or application for a credential will be considered by the applicable board or Department.

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

WISCONSIN BOARD OF NURSING

By: Robert Weinman TW-CCHP
A Member of the Board

2/9/2023
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHEPCHUMBA S. EMBWAGA, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008397

Division of Legal Services and Compliance Case No. 22 NUR 705

Respondent Chepchumba S. Embwaga, 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.

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

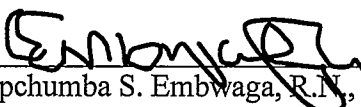
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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, 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.



Chepchumba S. Embwaga, R.N., Respondent
Brooklyn Park, MN 55443
License No. 253459-30

01/10/2023

Date



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

01/11/2023

Date