

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 :
ERIC S. KNAEBE, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : **ORDER 0008489**

Division of Legal Services and Compliance Case No. 22 NUR 605

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

Eric S. Knaebe, R.N.
Germantown, WI 53022

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. Eric S. Knaebe, R.N. (Respondent), (Year of Birth 1983) is licensed in the state of Wisconsin as a registered nurse, having license number 178646-30, first issued on June 28, 2011. This license expired on March 1, 2022 and has not been renewed. This license is suspended as of December 22, 2022. Pursuant to Wis. Stat. § 440.08(3), Respondent may apply to renew his license through February 28, 2027. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Germantown, Wisconsin 53022¹.

¹ The Department has reason to believe that Respondent current resides in Menomonee Falls, WI 53051.

Prior Discipline

2. On September 18, 2019, the Board issued Order Number 0006436 (2019 Order), which limited Respondent's license and placed conditions on his ability to practice, including participation in an approved drug monitoring program and absolute sobriety for at least two consecutive years. The Order found that Respondent had the following convictions:

- a. On or about May 7, 2008 – Operating While Intoxicated OWI (1st), a municipal ordinance violation.
- b. On or about October 14, 2013 – OWI (2nd), a misdemeanor.
- c. On or about September 6, 2016 – OWI (3rd), a misdemeanor.

3. On December 22, 2020, the Board suspended Respondent's license when he failed to comply with the drug and alcohol monitoring requirements of the 2019 Order. The 2019 Order remains in effect as of the date of this Order.

Current Case

4. On September 2, 2022, Respondent notified the Department that he had been arrested for OWI (4th), a felony, in Menomonee Falls, Wisconsin.

5. On August 22, 2021, the Menomonee Falls Police Department responded to a report of a disabled vehicle parked in a roadway. It was further reported that the driver had walked away from the vehicle. Upon arrival at the scene the police located Respondent and identified him as the driver of the abandoned vehicle. Respondent initially denied knowing why his vehicle was parked in the middle of the road and did not remember leaving it there. He also initially denied being the driver of the vehicle, but when officers pressed him, he admitted to it. Respondent was visibly impaired. After Respondent failed roadside sobriety tests, the police administered a preliminary blood alcohol breath test (BAC). Respondent's BAC was measured at .226, a violation of the 2019 Order.

6. On August 20, 2021, Respondent was convicted of OWI (4th), a felony, in Waukesha County Circuit Court Case Number 20CF1280, in violation of Wis. Stat. § 346.63(1)(a). The Court sentenced Respondent to 7 months in jail, placed Respondent on probation for two years, ordered that his drivers' license be revoked for 36 months, and that he undergo an Alcohol Assessment. On January 31, 2022, the Ozaukee County Department of Human Services assessed Respondent as being "Alcohol Dependent in Remission."

7. Respondent did not report this conviction to the Department within 48 hours. The first time Respondent reported any information related to this conviction to the Department was on September 2, 2022, when he reported he had been previously arrested for a fourth OWI.

8. 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 violated a term, provision, or condition of any order of the board within the meaning of Wis. Admin. Code § N 7.03(1)(g).

3. By the conduct described in the Findings of Fact, Respondent failed to notify the board of a felony or misdemeanor in writing with 48 hours after the entry of judgment of conviction, including the date, place, and nature of the conviction or finding within the meaning of Wis. Admin. Code § N 7.03(1)(h).

4. 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).

5. By the conduct described in the Findings of Fact, Respondent is unable to practice safely by reason of alcohol or other substance use within the meaning of Wis. Admin. Code § N 7.03(6)(f).

6. 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. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,119.00.

4. 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>.

5. Pursuant to Wis. Stat. § 441.51(5)(b), Respondent's multistate licensure privilege to practice in all Compact states besides Wisconsin is deactivated during the pendency of this Order.

6. In the event Respondent violates any term of this Order, Respondent's license (number 178646-30), or Respondent's right to renew his 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 Weirman
A Member of the Board of Nursing

4.13.23
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIC S. KNAEBE, R.N.,
RESPONDENT.

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:
:

STIPULATION
ORDER 0008489

Division of Legal Services and Compliance Case No. 22 NUR 605

Eric S. Knaebe, 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.

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.

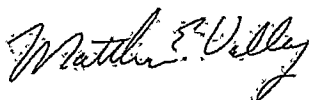
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Eric S. Knaebe, R.N., Respondent
Germantown, WI 53022
License No. 178646-30

2/25/23

Date



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

February 27, 2023

Date